



भारत का राजपत्र

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No. 23]

NEW DELHI, MAY 31—JUNE 6, 2015, SATURDAY/JYAISTHA 10—JYAISTHA 16, 1937

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके।
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं

Statutory Orders and Notifications Issued by the Ministries of the Government of India

(Other than the Ministry of Defence)

वित्त मंत्रालय

(वित्तीय सेवाएं विभाग)

नई दिल्ली, 16 अप्रैल, 2015

का.आ.1132.—बैंककारी विनियम अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, भारतीय रिजर्व बैंक की अनुशंसा पर यह घोषणा करती है कि उक्त अधिनियम की धारा 10 की उपधारा (1) के खण्ड (ग) के उपखण्ड (i) के उपबंध इण्डियन ओवरसीज बैंक पर लागू नहीं होंगे, जहां तक उनका संबंध बैंक के प्रबंध निदेशक एवं मुख्य कार्यकारी अधिकारी (सीईओ) श्री आर. कोटीश्वरन को संयुक्त उद्यम कंपनी-यूनिवर्सल सोम्पो जनरल इंश्योरेंस कंपनी लिमिटेड के बोर्ड में नामित करने से है।

[फा.सं. 13/2/2015-बीओ-I]

विजय मल्होत्रा, अवर सचिव

MINISTRY OF FINANCE

(Department of Financial Services)

New Delhi, the 16th April, 2015

S.O. 1132.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Government of India on the recommendations of the Reserve Bank of India, hereby declare that the provisions of sub-clauses (i) of clause (c) of sub-section (1) of Section 10 of the said Act shall not apply to Indian Overseas Bank in so far as it relates to the nomination of Shri R. Koteeswaran, MD & CEO, of the Bank as Director of Joint Venture Company- Universal Sompo General Insurance Company Limited.

[F. No. 13/2/2015-BO.I]

VIJAY MALHOTRA, Under Secy.

नई दिल्ली, 23 अप्रैल, 2015

का.आ.1133.—बैंककारी विनियम अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, भारतीय रिजर्व बैंक की अनुशंसा पर यह घोषणा करती है कि उक्त अधिनियम की धारा 10 की उप-धारा (1) के खण्ड (ग) के उप-खण्ड (i) के उपबंध ओरियंटल बैंक आँफ कामर्स पर लागू नहीं होंगे, जहां तक उनका संबंध बैंक के प्रबंध निदेशक एवं मुख्य कार्यकारी अधिकारी श्री अनिमेश चौहान को केनरा एचएसबीसी ओरियंटल बैंक आफ कामर्स लाइफ इंश्योरेंश कंपनी लिमिटेड के बोर्ड में निदेशक (गैर-कार्यकारी) नामित करने से है।

[फा. सं. 13/4/2015-बीओ-I]
विजय मल्होत्रा, अवर सचिव

New Delhi, the 23rd April, 2015

S.O.1133.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Government of India on the recommendation of the Reserve Bank of India, hereby declare that the provisions of sub-clauses (i) of clause (c) of sub-section (1) of Section 10 of the said Act shall not apply to Oriental Bank of Commerce in so far as it relates to the nomination of Shri Animesh Chauhan, MD & Chief Executive Officer, of the Bank as Director (Non-executive) on the board of Canara HSBC Oriental Bank of Commerce Life Insurance Co. Ltd.

[F. No. 13/4/2015-BO.I]
VIJAY MALHOTRA, Under Secy.

नई दिल्ली, 14 मई, 2015

का.आ.1134.—बैंककारी विनियम अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर एतद्वारा, यह घोषणा करती है कि उक्त अधिनियम की धारा 10 की उप-धारा (1) के खण्ड (ग) के उप-खण्ड (i) के उपबंध बैंक आफ बड़ौदा पर लागू नहीं होंगे, जहां तक इसका संबंध बैंक के प्रबंध निदेशक एवं मुख्य कार्यकारी अधिकारी (अतिरिक्त प्रभार) श्री रंजन ध्वन को मैसर्स बड़ौदा पायनियर असेट मैनेजमेंट कंपनी लि. (बीपीएमसीएल) और मैसर्स इंडिया फर्स्ट लाइफ इंश्योरेंश लिमिटेड (आईएफएलआईसीएल) के बोर्ड में निदेशक नामित करने से है।

[फा. सं. 13/18/2012-बीओ-I]
विजय मल्होत्रा, अवर सचिव

New Delhi, the 14th May, 2015

S.O.1134.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Government of India on the recommendation of the Reserve Bank of India, hereby declare that the provisions of sub-clauses (i) of clause (c) of sub-section (1) of Section 10 of the said Act shall not apply to Bank of Baroda in so far as it relates to the nomination of Shri Ranjan Dhawan, MD & CEO (Addl. Charge), of the Bank as Director on the Boards of M/s. Baroda Pioneer Asset Management Company Ltd. (BPAMCL) and M/s. India First Life Insurance Company Limited (IFLICL).

[F. No. 13/18/2012-BO-I]

VIJAY MALHOTRA, Under Secy.

नई दिल्ली, 15 मई, 2015

का.आ.1135.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खंड 3 के उपखंड (1) और खंड 8 के उपखंड (1) के साथ पठित, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा (3) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, बैंक आँफ इंडिया के कार्यपालक निदेशक श्री अरुण श्रीवास्तव (जन्म तिथि 17.06.1957) को उनके पदभार ग्रहण करने की तारीख से अथवा उनके अधिवर्षिता की आयु प्राप्त करने की तारीख तक अथवा अगले आदेशों तक, जो भी पहले हो, 75,500-80,000 रुपए के वेतनमान में सिंडिकेट बैंक के प्रबंध निदेशक एवं मुख्य कार्यकारी अधिकारी के रूप में नियुक्त करती है।

[फा. सं. 4/4/2013-बीओ-I]
विजय मल्होत्रा, अवर सचिव

New Delhi, the 15th May, 2015.

S.O.1135.—In exercise of the powers conferred by clause (a) of sub-section 3 of Section 9 of The Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980 read with Sub-clause (1) of Clause 3 and sub-clause (1) of clause 8 of The Nationalised Banks (Management & Miscellaneous Provisions) Scheme, 1970/1980, the Central Government hereby appoints Shri Arun Shrivastava (Date of Birth: 17.06.1957), Executive Director, Bank of India as Managing Director & Chief Executive Officer, Syndicate Bank in the scale of pay of Rs.75,500-80,000 from the date of his taking over of the charge of the post and upto the age of his superannuation, or until further orders, whichever is earlier.

[F. No. 4/4/2013-BO-I]
VIJAY MALHOTRA, Under Secy.

नई दिल्ली, 15 मई, 2015

का.आ.1136.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकोर्ण उपबंध)
स्कीम, 1970/1980 के खंड 3 के उपखंड (1) और खंड 8 के उपखंड (1) के साथ पठित, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा (3) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, बैंक ऑफ इंडिया के महाप्रबंधक श्री आर.ए. शंकर नारायण (जन्म तिथि 23.01.1960) को उनके पदभार ग्रहण करने की तारीख से 31.01.2020 अर्थात् उनके अधिवर्षिता की आयु प्राप्त करने की तारीख तक अथवा अगले आदेशों तक, जो भी पहले हो, 65,000-78,000 रुपए के वेतनमान में बैंक ऑफ इंडिया के कार्यपालक निदेशक के रूप में नियुक्त करती है।

[फा. सं. 4/5/2013-बीओ-Ι]
विजय मल्होत्रा, अवर सचिव

New Delhi, the 15th May, 2015

S.O.1136.—In exercise of the powers conferred by clause (a) of Sub-section 3 of Section 9 of The Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980 read with Sub-clause (1) of Clause 3 and sub-clause (1) of clause 8 of The Nationalised Banks (Management & Miscellaneous Provisions) Scheme, 1970/1980, the Central Government hereby appoints Shri R.A. Sankara Narayanan, (Date of Birth: 23.01.1960), General Manager, Bank of India as Executive Director, Bank of India in the scale of pay of Rs.65,000-78,000 with effect from the date of his taking over of the charge of the post and upto 31.01.2020, i.e. till the date of his superannuation, or until further orders, whichever is the earlier.

[F. No. 4/5/2013-BO-I]
VIJAY MALHOTRA, Under Secy.

नई दिल्ली, 29 मई, 2015

का.आ. 1137.—बीमा विनियामक और विकास प्राधिकरण अधिनियम, 1999 (1999 का 41) की धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, बैंक ऑफ इंडिया की अध्यक्ष एवं प्रबंध निदेशक श्रीमती विजयलक्ष्मी राजाराम अच्यर को पद का कार्यभार ग्रहण करने की तारीख से 5 वर्ष की अवधि के लिए अथवा उनके 62 वर्ष की आयु प्राप्त कर लेने तक अथवा अगले आदेशों तक, जो भी पहले हो, भारतीय बीमा विनियामक और विकास प्राधिकरण (आईआरडीएआई) में बिना आवास एवं कार की सुविधा के 3.75 लाख रुपए प्रतिमाह के समेकित वेतन पैकेज में पूर्णकालिक सदस्य (वित्त एवं निवेश) के रूप में नियुक्त करती है।

[फा. सं. आर-16011/01/2014-बीमा-Ι]
एन. श्रीनिवास राव, निदेशक (बीमा)

New Delhi, the 29th May, 2015

S.O.1137.—In exercise of the powers conferred by Section 4 of the Insurance Regulatory and Development Authority Act, 1999 (41 of 1999), the Central Government hereby appoints Smt. Vijayalaxmi Rajaram Iyer, CMD, Bank of India as Whole- Time Member (Finance & Investment) in the Insurance Regulatory and Development Authority of India (IRDAI) in the consolidated pay package of Rs. 3.75 lakh per month, without facility of house and car, for a period of five years with effect from the date of assumption of charge of the post or till she attains the age of 62 years or until further orders, whichever is the earliest.

[F. No. R-16011/01/2014-Ins-I]
N. SRINIVASA RAO, Director (Insurance)

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 25 मई, 2015

का.आ.1138.—केन्द्र सरकार, दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए आंध्र प्रदेश राज्य सरकार की सहमति से दिनांक 15 अप्रैल, 2014 की अधिसूचना सं. जी.ओ.एम.एस. सं. 73 द्वारा वेरावसम पुलिस स्टेशन में दर्ज किए गए अपराध मामला सं. 30/12, पालाकोलू शहरी पुलिस स्टेशन में दर्ज किए गए अपराध मामला संख्या 63/2012 तथा पालाकोलू ग्रामीण पुलिस स्टेशन के अपराध अन्वेषण विभाग में दर्ज किए अपराध मामला सं. 32/2012 के दुष्प्रयासों, चेष्टाओं तथा षडयंत्रों के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों एवं क्षेत्राधिकारी का विस्तार एतद्वारा संपूर्ण आंध्र प्रदेश राज्य पर करती है।

[फा. सं. 228/44/2014-एवीडी-II]
अजीत कुमार, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 25th May, 2015

S.O.1138.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Andhra Pradesh, Home (SC.A) Department vide Notification G.O. Ms. No. 73 dated 15th April, 2014, hereby extends the powers and Jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Andhra Pradesh for investigation of Crime No. 30/12 registered at Police Station Veravasam, Crime No. 63/2012 registered at

Police Station Palakollu Town and Crime No. 32/2012 registered at Palakolu Rural Police Station of Crime Investigation Department and attempts, abetments and conspiracies in relation to the above mentioned offences.

[F. No. 228/44/2014-AVD-II]
AJIT KUMAR, Under Secy.

नई दिल्ली, 29 मई, 2015

का.आ.1139.—केन्द्रीय सरकार, एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम 1946 (1946 का अधिनियम 25) की धारा 6 सहपठित धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए राजस्थान सरकार के गृह (जी.आर. V) विभाग की अधिसूचना संख्या एफ. 19(17) गृह-5/2015 दिनांक 27.5.2015 द्वारा प्राप्त सहमति से थाना मेड़ता सिटी, जिला नागौर, राजस्थान में दर्ज अपराध संख्या 168/15 एवं 169/15 दिनांक 14.5.2015 तथा उपरोक्त अपराध से जुड़े या संबंधित प्रयास, उकसाना और घट्यन्त्र करने और इस चलन में अन्य किए गए या उन्हीं तथ्यों से उद्भूत किसी अपराध एवं अपराधों का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार संपूर्ण राजस्थान राज्य पर करती है।

[फा. सं. -228/21/2015-एवीडी-II]
अजीत कुमार, अवर सचिव

New Delhi, the 29th May, 2015

S.O.1139.—In exercise of the powers conferred by sub-section (1) of Section 5 read with Section 6 of Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the Govt. of Rajasthan vide Home (GR.-V) Deptt. Notification No. F. 19(17) Home-5/2015 dated 27.5.2015 hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Rajasthan for the investigation of FIR No. 168/15 and FIR No. 169/15 dated 14.5.2015 registered at Police Station Merta City, District Nagaur, Rajasthan and attempts, abetments and conspiracies in relation to or in connection with the above mentioned offences and any other offence or offences committed in the course of the same transaction or arising out of the same facts in relation to the aforesaid case.

[F. No. 228/21/2015-AVD-II]
AJIT KUMAR, Under Secy.

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

(भारतीय मानक ब्यूरो)

नई दिल्ली, 20 मई, 2015

का.आ.1140.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम 1988 के विनियम 4 के उपविनियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं:-

अनुसूची

क्रम संख्या	लाइसेंश संख्या	स्वीकृति करने की तिथि वर्ष/माह	लाइसेंसधारी का नाम एवं पता	भारतीय मानक का शीर्षक	भाग सं./भाग/खण्ड/वर्ष
1	7800000209	09/01/2015	वर्धमान उद्घोग गाला 126, पहला माला, हिरानंदनी इण्डस्ट्रीयल इस्टेट, रेलवे स्टेशन के सामने कांजुरमार्ग-प मुंबई-400078	स्थिर संचारक टाइप पानी गरम करने वाले बिजली के हीटर	भाग 2082:1993
2	7800000310	23/01/2015	के सी पावरट्रेक्स सर्वे सं. 185/1/1, प्लॉट सं. 7 दोकर्मर्दी, अमली गांव, सिलवासा, जिला दादरा एवं नगर हवेली-396230	क्रासलिंक्ड पॉलीथिलीन विद्युतरोधी पीवीसी आवरित केबल भाग 1, 1100 वो. भाग 1:1988 तक एवं सहित कार्यकारी वोल्टता हेतु	भाग 7098: पीवीसी आवरित केबल भाग 1, 1100 वो. भाग 1:1988

[सं. केन्द्रीय प्रमाणन विभाग/13:11]
टी. कलैवाणन, प्रमुख (एमयूबीओ-ईईई)

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

(Bureau of Indian Standards)

New Delhi, the 20th May, 2015

S.O.1140.—In pursuance of sub-regulation (5) of regulation 4 of the Bureau of Indian Standards (Certification) Regulations, 1988, the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given in the following schedule:

SCHEDULE

Sl. No.	Licence No.	Grant Date	Name and address (factory) of the party	Product	IS No./Part/ Sec Year
1.	7800000209	09/01/2015	VARDHAMAN UDYOG GALA No. 126, 1ST FLOOR, HIRANANDANI INDL ESTATE, OPP RAILWAY STN. KUNJURMARG MUMBAI-400078	Stationery storage type electric water heaters	IS 2082 : 1993
2.	7800000310	23/01/2015	K C POWER TRACKS SURVEY No. 185/1/1, PLOT NO. 7, DOKMARDI, VILLAGE AMLI, SILVASSA, Distt: Dadra and Nagar Haveli-396230	Crosslinked polyethylene insulated pvc sheathed cables: part 1 for working voltage upto and including 1100 v.	IS 7098 : Part 1 : 1988

[No. CMD/13:11]
T. KALAIKAVANAN, Head (MUBO-EEE)

नई दिल्ली, 20 मई, 2015

का.आ. 1141.—भारतीय मानक व्यूरो (प्रमाणन) विनियम 1988 के विनियम 5 के उपविनियम (6) के अनुसरण में भारतीय मानक व्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे रद्द कर दिए गए हैं:-

अनुसूची

क्रम संख्या	लाइसेंश संख्या लाइसेंसधारी का नाम एवं पता	लाइसेंस के अंतर्गत वस्तु/प्रकम संबद्ध भारतीय मानक का शीर्षक	रद्द करने की तिथि	
1.	0557352	मयूर कलर्स 5, नर्मदा इण्ड. इस्टेट त्रिमूर्ती इएनजी, गोडदेव नाका बि.पी. रोड, सिंथेटिक फुड कलर प्रीप्रेशन और मिक्चर्स भाईंडर इस्ट, जिला थाणे - 401105	भा.मा. 5346 : 1994	15/01/2015

[सं. केन्द्रीय प्रमाणन विभाग/13:13]
टी. कलैवाणन, प्रमुख (एमयूबीओ-ईई)

New Delhi, the 20th May, 2015

S.O.1141.—In pursuance of sub-regulation (6) of regulation 5 of the Bureau of Indian Standards (Certification) Regulations, 1988, the Bureau of Indian Standards, hereby notifies that the licences particulars of which are given in the following schedule have been **cancelled** with effect from the date indicated against each:

SCHEDULE

Sl. No.	Licence No.	Name and address of the licensee	Article/process with relevant Indian standard covered by the Licence	Date of cancellation
1.	0557352	MAYUR COLOURS 5, NARMADA IND. ESTATE, TRIMURTI ENG, GODDEO NAKA B.P. ROAD, BHAYANDER (E) Distt: Thane - 401105	IS 5346 : 1994 Synthetic food colour—preparations and mixtures	15/01/2015

[No. CMD/13:13]

T. KALAIKANAN, Head (MUBO-EEE)

नई दिल्ली, 27 मई, 2015

का.आ. 1142.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम 1988 के उपविनियम (5) के अनुसरण में भारतीय ब्यूरो एतद्वारा अधिसूचित करता है जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृति कर दिए गए हैं:-

अनुसूची

क्रम संख्या	लाइसेंसे संख्या	स्वीकृति करने की तिथि वर्ष/माह	लाइसेंसधारी का नाम एवं पता	भारतीय मानक का शीर्षक	भारा सं./ भाग/खण्ड/वर्ष
1.	7800000411	05/02/2015	आशीर्वाद इण्डस्ट्रीज प्लॉट संख्या 6/9, आजाद सोप फैक्ट्री के नजदीक, आजाद नगर, खेमानी, ओटी सेक्शन-2, उल्हासनगर-421002	क्रासलिंक्ड पॉलीथिलीन विद्युतीधी पीवीसी आवरित केबल भाग 1,1100 वो. तक एवं सहित कार्यकारी वोल्टता हेतु	भारा 7098: भाग 1: 1988
2.	7800000512	06/02/2015	विजन इण्डस्ट्रीज 112, न्यू सतगुरु नानक इण्ड इस्टेट गोरेगाँव पूर्व मुंबई-400063	घरेलू और समान प्रयोजनों के लिए स्विचे	भारा 3854:1997
3.	7800000613	06/02/2015	पीव्हीएन फैब्रीक्स प्रा.लि. सर्वे नं. 39/3, 40/1 सं. 40/6 और 41/3, विलेज डोरी कडाइया दमण, दमण-396210	वस्त्रादि-50 किलोग्राम अनाज की पैकेजिंग के लिए उच्च घनत्व पॉनीथिलीन एचडीपीई पॉपीप्रोपीलीन (पीपी) बुना बोरे	भा मा 14887: 2014
4.	7800000807	13/02/2015	हिन्दुस्तान इनसेक्टीसाइड लि. (भारत सरकार का उपक्रम) रसायनी, पनवेल जिला रायगढ़-4102207	मोनोक्रोटोफोस, तकनीकी	भा मा 8025: 1990
5.	7800000714	19/02/2015	ग्रेसिया मेटल प्रा. लि. प्लॉट सं. 8/117/ए-2, सिमेंट फैक्ट्री के नजदीक आमगाँव इण्ड. एरिया, तलासी, जिला ठाणे-401106	1100 वोल्ट तक कार्यकारी वोल्टता के लिए पीवीसी रोधित (भारी डयुटी) विद्युत केबल	भा मा 1554 (भाग 1): 1988

[सं. केन्द्रीय प्रमाणन विभाग/13:11]

टी. कलैवाणन, प्रमुख (एमयूबीओ-ईईई)

New Delhi, the 27th May, 2015

S.O.1142.—In pursuance of sub-regulation (5) of regulation 4 of the Bureau of Indian Standards (Certification) Regulations, 1988, the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given in the following schedule:

SCHEDULE

Sl. No.	Licence No.	Grant Date	Name and address (factory) of the party	Product	IS No.	Part/Sec	Year
1.	7800000411	05/02/2015	Ashirwad Industries Plot No. 6/9 Near Azzad Soap Factory, Azzad Nagar, Khemani, OT Section 2 Ulhasnagar - 421004	Crosslinked polyethylene insulated pvc sheathed cables: part 1 for working voltage upto and including 1100v	IS 7098 : Part 1 : 1988		
2.	7800000512	06/02/2015	Vision Industires 112, New Satguru Nanak Indl. Estate, Off. Western Express Highway, Goregaon (E), Mumbai-400063	Switches for domestic and similar purposes	IS 3854 : 1997		
3.	7800000613	06/2/2015	PVN Fabrics Pvt. Ltd. Survey No. 39/3, 40/1 to 40/6 & 41/3, Village: Dori Kadaiya Daman Daman & Diu - 396210	Textiles-high density polyethylene (hdpe) polypropylene (pp) woven sacks for packing 50 kg/25 kg. foodgrains-	IS 14887 : 2014		
4.	7800000807	13/02/2015	Hindustan Insecticides Ltd. (Govt of India Enterprises) Rasayani Panvel Dist. - Raigad - 410207	Monocrotophos, technical-	IS 8025 : 1990		
5.	7800000714	19/02/2015	Gracia Metals Pvt. Ltd. Plot No. 8/117/A-2, Near Cement Factory, AAmgaon Indl Area Talasari Dist : Thane - 401106	Pvc insulated (heavy duty) electric cables: part 1 for working voltages upto and including 1100 v	IS 1554 : Part 1 : 1988		

[No. CMD/13:11]
T. KALAIVANAN, Head (MUBO-EEE)

कृषि मंत्रालय

(कृषि और सहकारिता विभाग)

नई दिल्ली, 2 जून, 2015

का.आ.1143.—सार्वजनिक परिसर (अनधिकृत अतिक्रमण रोकथाम) अधिनियम, 1971 (1971 का 40) की धारा 3 में प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार कंपनी अधिनियम, 1956 (1956 का 1) के तहत स्थापित केन्द्रीय सार्वजनिक क्षेत्र उपक्रम, राष्ट्रीय बीज निगम के अधिकारियों तथा सरकार के राजपत्रित अधिकारी के पद के समतुल्य अधिकारियों को उक्त अधिनियम के प्रयोजन के लिए संपदा अधिकारियों के रूप में नियुक्त करती है। ये संपदा अधिकारी प्रदत्त शक्तियों का प्रयोग करेंगे और संबंधित परिसंपत्तियों अथवा उक्त निगम की ओर से अथवा द्वारा लीज पर ली गई परिसंपत्तियों में कथित तालिका के कॉलम 3 में विनिर्दिष्ट न्याय क्षेत्र के आधार पर निर्धारित कार्य करेंगे।

तालिका

क्र.सं.	पद	न्याय क्षेत्र की स्थानीय सीमा
(1)	(2)	(3)
1	प्रभारी निदेशक, केन्द्रीय राज्य फार्म, सूरतगढ़, राजस्थान	संबंधित केन्द्रीय राज्य फार्म के न्याय क्षेत्र के तहत क्षेत्र
2	प्रभारी निदेशक, केन्द्रीय राज्य फार्म, सरदारगढ़, राजस्थान	
3	प्रभारी निदेशक, केन्द्रीय राज्य फार्म, जैतसर, राजस्थान	
4	प्रभारी निदेशक, केन्द्रीय राज्य फार्म, हिसार, हरियाणा	
5	प्रभारी निदेशक, केन्द्रीय राज्य फार्म, रायचूर, कर्नाटक	
6	प्रभारी निदेशक, केन्द्रीय राज्य फार्म, नलहटी, पश्चिम बंगाल	

[फा.सं. 6-8/2015-एस.डी-I]
रामकुमार, अवर सचिव

MINISTRY OF AGRICULTURE
(Department of Agriculture and Cooperation)

New Delhi, the 2nd June, 2015

S.O.1143.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the officers specified in column (2) of the Table below, being officers of the National Seeds Corporation, a Central Public Sector Enterprise established under the Companies Act, 1956 (1 of 1956) and being officers equivalent to the rank of a gazetted officer of Government to be estate officers for the purpose of the said Act and the said estate officers shall exercise the powers conferred and perform the duties imposed on estate officers by or under the said Act within the local limits of their respective jurisdiction specified in column (3) of the said table in respect of the properties belonging to or taken on lease by or on behalf of the said Corporation.

TABLE

Sl. No.	Designation	Local limits of jurisdiction
(1)	(2)	(3)
1.	Director Incharge, Central State Farm, Suratgarh, Rajasthan.	Area under the jurisdiction of respective Central State Farm.
2.	Director Incharge, Central State Farm, Sardargarh, Rajasthan	
3.	Director Incharge, Central State Farm, Jetsar, Rajasthan	
4.	Director Incharge, Central State Farm, Hisar, Haryana	
5.	Director Incharge, Central State Farm, Raichur, Karnataka	
6.	Director Incharge, Central State Farm, Nalhati, West Bengal	

[F. No. 6-8/2015-S.D.-I]
RAM KUMAR, Under Secy.

मानव संसाधन विकास मंत्रालय
(स्कूल शिक्षा और साक्षरता विभाग)

नई दिल्ली, 3 जून, 2015

का. आ.1144.—केन्द्रीय सरकार, सरकारी स्थान (अप्राधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, नीचे सारणी के स्तंभ (2) में वर्णित अधिकारियों को, राष्ट्रीय शैक्षिक अनुसंधान और प्रशिक्षण परिषद् (एनसीईआरटी) और उसकी संघटक इकाई के अधिकारी होने के कारण, जो भारत सरकार में राजपत्रित पंक्ति के अधिकारी के समतुल्य हैं, इस अधिनियम के प्रयोजनों के लिए संपदा अधिकारी नियुक्त करती है। और उक्त अधिकारी, उक्त सारणी के स्तंभ (3) में तत्थानी प्रविष्टि में विनिर्दिष्ट सरकारी स्थानों के वर्गों की बाबत अपने अधिकार क्षेत्र की सीमाओं के भीतर उक्त अधिनियम द्वारा और उसके अधीन संपदा अधिकारियों को प्रदत्त शक्तियों का प्रयोग और अधिरोपित कर्तव्यों का पालन करेंगे:-

सारणी

क्र.सं.	अधिकारी का पदनाम	वे स्थानीय सीमाएं, जिनके भीतर संपदा अधिकारी शक्तियों का प्रयोग करेगा
(1)	(2)	(3)
1.	उप सचिव, कैंपस एंड वेलफेयर (सीएंड डब्ल्यू), एनसीईआरटी, नई दिल्ली	नेशनल इंस्टीट्यूट आफ एजुकेशन (एनआईई), सेंट्रल इंस्टीट्यूट ऑफ एजुकेशनल टेक्नोलॉजी (सीआईईटी) और नसिरपुर कैपस, नई दिल्ली।
2.	उप सचिव, पर्फित सुन्दरलाल शर्मा सेंट्रल इंस्टीट्यूट ऑफ वोकेशनल एजुकेशन (पीएसएससीआईवीई), भोपाल	पर्फित सुन्दरलाल शर्मा सेंट्रल इंस्टीट्यूट ऑफ वोकेशनल एजुकेशन (पीएसएससीआईवीई) और रीजनल इंस्टीट्यूट ऑफ एजुकेशन (आरआईई), भोपाल के कार्यक्षेत्र के अधीन के स्थान।
3.	एडमिनिस्ट्रेटिव ऑफिसर (एओ.) आफ रीजनल इंस्टीट्यूट आफ एजुकेशन (आरआईई), अजमेर	रीजनल इंस्टीट्यूट ऑफ एजुकेशन (आरआईई), अजमेर के कार्यक्षेत्र के अधीन के स्थान।

4.	एडमिनिस्ट्रेटिव आफिसर (ए.ओ.) आफ रीजनल इंस्टीट्यूट आफ एजुकेशन (आरआई), भुवनेश्वर	रीजनल इंस्टीट्यूट आफ एजूकेशन (आरआई), भुवनेश्वर के कार्यक्षेत्र के अधीन के स्थान।
5.	एडमिनिस्ट्रेटिव आफिसर (ए.ओ.) आफ रीजनल इंस्टीट्यूट आफ एजूकेशन (आरआई), मैसूर	रीजनल इंस्टीट्यूट आफ एजूकेशन (आरआई), मैसूर के कार्यक्षेत्र के अधीन के स्थान।
6.	एडमिनिस्ट्रेटिव आफिसर (ए.ओ.) आफ रीजनल इंस्टीट्यूट आफ एजूकेशन (आरआई), शिलांग	रीजनल इंस्टीट्यूट आफ एजूकेशन (आरआई), शिलांग के समीप उमाइम के कार्यक्षेत्र के अधीन के स्थान।

[फा. स. 1-9/2014-अन.4]
दिनेश कुमार, अवर सचिव,

MINISTRY OF HUMAN RESOURCE DEVELOPMENT
(Department of School Education and Literacy)

New Delhi, the 3rd June, 2015

S.O.1144.—In exercise of the powers conferred by Section 3 of The Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the Officers mentioned in column (2) of the table below, being officers in the National Council of Educational Research and Training (NCERT) and its constituent units, equivalent to the officers of Gazetted rank in the Government of India, to be the Estate Officers for the purposes of the said Act and the said officers shall exercise the powers conferred, and perform the duties imposed, on Estate Officers by or under the said Act, within the limits of their jurisdiction in respect of the categories of the public premises specified in the corresponding entry in column (3) of the said table:-

Table

S. No.	Designation of the Officer	Local limits within which Estate Officer shall exercise powers
(1)	(2)	(3)
1	Deputy Secretary, Campus and Welfare (C & W), NCERT, New Delhi.	National Institute of Education (NIE), Central Institute of Educational Technology (CIET) and Nasirpur Campus, New Delhi.
2.	Deputy Secretary, Pandit Sunderlal Sharma Central Institute of Vocational Education (PSSCIVE), Bhopal	Premises under the purview of Pandit Sunderlal Sharma Central Institute of Vocational Education (PSSCIVE) and Regional Institute of Education (RIE), Bhopal.
3.	Administrative Officer (A.O.) of Regional Institute of Education (RIE), Ajmer.	Premises under the purview of Regional Institute of Education (RIE), Ajmer.
4.	Administrative Officer (A.O.) of Regional Institute of Education (RIE), Bhubaneswar.	Premises under the purview of Regional Institute of Education (RIE), Bhubaneswar.
5.	Administrative Officer (A.O.) of Regional Institute of Education (RIE), Mysore.	Premises under the purview of Regional Institute of Education (RIE), Mysore.
6.	Administrative Officer (A.O.) of Regional Institute of Education (RIE), Shillong.	Premises under the purview of Regional Institute of Education (RIE), at Umiam, near Shillong.

[F. No. 1-9/2014-Sch. 4]
DINESH KUMAR, Under Secy.

स्वास्थ्य एवं परिवार कल्याण मंत्रालय

(स्वास्थ्य एवं परिवार कल्याण विभाग)

नई दिल्ली, 18 मई, 2015

का.आ.1145.—भारतीय चिकित्सा परिषद अधिनियम, 1956

(1956 का 102) की धारा 11 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार, भारतीय चिकित्सा परिषद से परामर्श करने के पश्चात्, एतद्वारा उक्त अधिनियम की प्रथम अनुसूची में निम्नानुसार आगे और संशोधन करती है, अर्थात्:-

उक्त प्रथम अनुसूची में “राजस्थान स्वास्थ्य विज्ञान विश्वविद्यालय, जयपुर” के बाद और ‘मान्यता प्राप्त चिकित्सा अर्हता’ [इसके बाद कालम (2) के रूप में संदर्भित] शीर्षक के अंतर्गत अंतिम प्रविष्टि तथा उससे संबंधित प्रविष्टि के बाद ‘पंजीकरण के लिये सांकेत रूप’ [इसके बाद कालम (3) के रूप में संदर्भित] शीर्षक के तहत निम्नलिखित को अंतर्विष्ट किया जाएगा, अर्थात्:-

(1)	(2)
“डॉक्टर ऑफ मेडिसन (फोरेंसिक मेडिसिन) ”	एम.डी. (फोरेंसिक मेडिसिन) (यह एक मान्यता प्राप्त चिकित्सा अर्हता होगी जो आरएनटी मेडिकल कॉलेज, उदयपुर, जहां प्रति वर्ष 01(एक) छात्र का दाखिला होता है, में प्रशिक्षित किए जा रहे छात्रों के संबंध में राजस्थान स्वास्थ्य विज्ञान विश्वविद्यालय, जयपुर द्वारा वर्ष 1995 में अथवा उसके पश्चात् प्रदान की गई हो)

[सं. यू. 12012/1028/2014-एमई (पी-II)]

सुधीर कुमार, अवर सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE
(Department of Health and Famly Welfare)

New Delhi, the 18th May, 2015

S.O.1145.—In exercise of the powers conferred by sub-section (2) of the Section 11 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India, hereby makes the following further amendments in the First Schedule to the said Act.

In the said First Schedule after “Rajasthan University of Health Sciences, Jaipur” and under the heading ‘Recognised Medical Qualification’ [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted, namely:—

(2)	(3)
“Doctor of Medicine (Forensic Medicine)”	MD (Forensic Medicine) (This shall be a recognised medical qualification when granted by Rajasthan University of Health Sciences, Jaipur in respect of students being trained at RNT Medical College, Udaipur on or after 1995 restricting the number of admission 01(one) student per year.)

[No. U. 12012/1028/2014-ME (P. II)]
SUDHIR KUMAR, Under Secy.

वस्त्र मंत्रालय

नई दिल्ली, 26 मई, 2015

का.आ.1146.—केन्द्रीय सरकार, (संघ के शासकीय प्रयोजनों के लिए) राजभाषा नियम, 1976 के 10 के उपनियम (4) के अनुसरण में, वस्त्र मंत्रालय के अंतर्गत आने वाले निम्नलिखित कार्यालयों को जिसके 80% से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती हैः-

1. एरी अनुसंधान विस्तार केन्द्र, सीएमईआर एण्ड टीआई, केन्द्रीय रेशम बोर्ड, मकान न. 03, इस्माइलगंज, शादीपुर खुर्द, फतेहपुर - 212601 (उत्तर प्रदेश)
2. रेशम अनुकूलन व परीक्षण गृह, सीएसटीआरआई, केन्द्रीय रेशम बोर्ड, 76/बी, मनस्कामना रोड, एसएम पल्ली, मालदा - 732 101 (पश्चिम बंगाल)।

[ई. 11016/1/2011-हिन्दी]

ए. मधुकुमार रेड्डी, संयुक्त सचिव

MINISTRY OF TEXTILES

New Delhi, the 26th May, 2015

S.O.1146.—In pursuance of sub-rule (4) of Rule 10 of the Official Languages (Use for the official purpose of the Union) Rules, 1976, the Central Government, hereby notifies the following offices of the Ministry of Textiles, more than 80% staff whereof have acquired working knowledge of Hindi:

1. Eri Research Extension Centre, CMER&TI, Central Silk Board, H. No. 03, Ismailganj, Sadipur Khurd, Fatehpur - 212 601 (Uttar Pradesh)
2. Silk Conditioning & Testing House, CSTRI, Central Silk Board, 76/B, Manaskamana Road, S.M. Pally, Malda - 732 101 (W.B.).

[ई. 11016/1/2011-Hindi]

A. MADHUKUMAR REDDY, Jt.Secy.

नई दिल्ली, 2 जून, 2015

dk-vk.1147.—कोयला धारक क्षेत्र (अर्जन और विकास)

अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 9 की उप-धारा (1) के अधीन जारी भारत के राजपत्र, भाग II, खण्ड 3, उपखण्ड (ii) तारीख 8 अप्रैल, 2015 में प्रकाशित भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्यांक का. आ. 386(अ), तारीख 5 फरवरी, 2015 तथा शुद्धि-पत्र संख्यांक 989(अ), तारीख 10 अप्रैल, 2015 के प्रकाशन पर उक्त अधिसूचना से संलग्न अनुसूची में वर्णित अनुसूची 'क' में वर्णित 219.198 हेक्टेयर (लगभग) या 541.64 एकड़ (लगभग) माप वाली भूमि में सभी अधिकार, अनुसूची 'ख' में वर्णित 15.593 हेक्टेयर (लगभग) या 38.53 एकड़ (लगभग) माप वाली भूमि में खनन अधिकार और अनुसूची 'ग' में वर्णित 14.91 हेक्टेयर (लगभग) या 36.84 एकड़ (लगभग) माप वाली भूमि में सतह के अधिकार (जिसे इसमें इसके पश्चात् उक्त भूमि कहा गया है) उक्त अधिनियम की धारा 10 की उप-धारा (1) के अधीन, सभी विलंगमों से मुक्त होकर, आत्यंतिक रूप में केन्द्रीय सरकार में निहित हो गए हैं;

और, केन्द्रीय सरकार का यह समाधान हो गया है कि ईस्टर्न कोलफील्ड्स लिमिटेड, संकतोड़यि, डाकघर—दिशेरगढ़, जिला बर्द्धवान (पश्चिम बंगाल) (जिसे इसमें इसके पश्चात् सरकारी कंपनी कहा गया है), ऐसे निवंधनों और शर्तों का, जो केन्द्रीय सरकार इस निमित्त अधिरोपित करना उचित समझे, अनुपालन करने के लिए रजामंद है;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 11 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि इस प्रकार निहित वर्णित अनुसूची 'क' में वर्णित 219.198 हेक्टेयर (लगभग) या 541.64 एकड़ (लगभग) माप वाली भूमि में सभी अधिकार, अनुसूची 'ख' में वर्णित 15.593 हेक्टेयर (लगभग) या 38.53 एकड़ (लगभग) माप वाली भूमि में खनन अधिकार और अनुसूची 'ग' में वर्णित 14.91 हेक्टेयर (लगभग) या 36.84 एकड़ (लगभग) माप वाली भूमि में सतह के अधिकार तारीख 6 फरवरी, 2015 से केन्द्रीय सरकार में इस प्रकार निहित बने रहने के बजाए, निम्नलिखित निवंधनों और शर्तों के अधीन रहते हए, सरकारी कंपनी में निहित हो जाएंगे, अर्थात् —

1. सरकारी कंपनी, उक्त अधिनियम के उपबंधों के अधीन यथा अवधारित प्रतिकर, व्याज, नुकसानियों और वैसी ही मदों की बाबत् किए गए संदायों की केन्द्रीय सरकार को प्रतिपूर्ति करेगी;
2. शर्त (1) के अधीन सरकारी कम्पनी द्वारा केन्द्रीय सरकार को संदेय रकमों का अवधारण करने के प्रयोजनों के लिए उक्त अधिनियम की धारा 14 के अधीन एक अधिकरण का गठन किया जाएगा और किसी ऐसे अधिकरण और अधिकरण की सहायता के लिए, नियुक्त व्यक्तियों के संबंध में उपगत सभी व्यय, सरकारी कंपनी द्वारा वहन किए

जाएंगे और इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के लिए जैसी सभी विधिक कार्यवाहियों की बाबत् उपगत, सभी व्यय भी, सरकारी कंपनी द्वारा वहन किए जाएंगे ;

3. सरकारी कंपनी, केन्द्रीय सरकार या उसके पदधारियों की ऐसे किसी अन्य व्यय के संबंध में क्षतिपूर्ति करेगी, जो इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के बारे में, केन्द्रीय सरकार या उसके पदधारियों द्वारा या उनके विरुद्ध किन्हीं कार्यवाहियों के संबंध में आवश्यक हो;
4. सरकारी कंपनी को केन्द्रीय सरकार के पूर्व अनुमोदन के बिना, उक्त भूमि को किसी अन्य व्यक्ति को अंतरित करने की शक्ति नहीं होगी; और
5. सरकारी कंपनी ऐसे निदेशों और शर्तों का पालन करेगी, जो केन्द्रीय सरकार द्वारा, जब कभी आवश्यक हो, उक्त भूमि के विशिष्ट क्षेत्रों के लिए दिए जाएं या अधिरोपित किए जाएं।

[फा.सं. 43015 / 10 / 2011—पीआरआईडब्ल्यू—1]

जगदीश कुमार, उप सचिव

New Delhi, the 2nd June, 2015

S.O.1147.—Whereas on the publication of the notification of the Government of India in the Ministry of Coal, number S.O.386(E), dated the 5th February, 2015 and corrigendum number S.O. 989(E), dated the 8th April, 2015, published in the Gazette of India, Extraordinary, Part II Section 3, Sub-section (ii), dated the 6th February, 2015 and the 10th April, 2015 respectively, issued under sub-section (1) of section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the lands measuring 219.198 hectares(approximately) or 541.64 acres (approximately) as all rights over the said land described in Schedule 'A', mining rights in the land measuring 15.593 hectares (approximately) or 38.53 acres (approximately) in Schedule 'B' and surface rights over 14.91 hectares (approximately) or 36.84 acres (approximately) in Schedule 'C' appended to the said notification (hereinafter referred to as the said land) vested absolutely in the Central Government free from all encumbrances under sub-section (1) of section 10 of the said Act.

And whereas, the Central Government is satisfied that the Eastern Coalfields Limited, Sanctoria, Post Office Dishergarh, District Burdwan (West Bengal) (hereinafter referred to as the Government Company) is willing to comply with such terms and conditions as the Central Government thinks fit to impose in this behalf;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 11 of the said Act, the Central

Government hereby directs that the land measuring 219.198 hectares (approximately) or 541.64 acres (approximately) as all rights over the said land described in Schedule 'A', mining rights in the land measuring 15.593 hectares (approximately) or 38.53 acres (approximately) in Schedule 'B' and surface rights over, 14.91 hectares (approximately) or 36.84 acres (approximately) in Schedule 'C', so vested shall, with effect from 6th February, 2015 instead of continuing to so vest in the Central Government, shall vest in the Government Company, subject to the following terms and conditions, namely :—

- (1) the Government Company shall reimburse to the Central Government all payments made in respect of compensation, interest, damages and the like, as determined under the provisions of the said Act;
- (2) a Tribunal shall be constituted under section 14 of the said Act, for the purpose of determining the amounts payable to the Central Government by the Government Company under condition (1), and all expenditure incurred in connection with any such Tribunal and persons appointed to assist the Tribunal shall be borne by the Government Company and similarly, all expenditure incurred in respect of all legal proceedings for or in connection with the rights, in or over the said lands, so vesting, shall also be borne by the Government Company;
- (3) the Government Company shall indemnify the Central Government or its officials against any other expenditure that may be necessary in connection with any proceedings by or against the Central Government or its officials, regarding the rights in or over the said lands so vested;
- (4) the Government Company shall have no power to transfer the said lands and the rights to any other person without the prior approval of the Central Government; and
- (5) the Government Company shall abide by such directions and conditions as may be given or imposed by the Central Government for particular areas of the said lands, as and when necessary.

[FNo.43015/10/2011 – PRIW-I]

JAGDISH KUMAR, Dy. Secy.

नई दिल्ली, 5 जून, 2015

dk-vk.1148.—केन्द्रीय सरकार को यह प्रतीत होता है कि, इससे उपाबद्ध अनुसूची में उल्लिखित परिक्षेत्र की भूमि में कोयला अभिप्राप्त किए जाने की संभावना है;

और रेखांक संख्या एसईसीएल / बीएसपी / जीएम (पीएलजी) / भूमि / 472, तारीख 15 अप्रैल, 2015 का जिसमें उक्त अनुसूची में वर्णित भूमि क्षेत्र के बारे अन्तर्विष्ट है, निरीक्षण कलक्टर, जिला कोरबा (छत्तीसगढ़) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाऊस स्ट्रीट, कोलकाता – 700001 के कार्यालय में या साऊथ ईस्टर्न कोलफील्ड्स लिमिटेड (राजस्व अनुभाग), सीपत रोड, बिलासपुर–495006 (छत्तीसगढ़) के कार्यालय में किया जा सकता है;

अतः अब, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 4 की उप–धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, पूर्वोक्त अनुसूची में वर्णित भूमि में कोयले का पूर्वक्षण करने के अपने आशय की सूचना देती है;

उपरोक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति—

- (i) उक्त अधिनियम की धारा 4 की उप–धारा (3) के अधीन की गई कार्रवाई से हुई क्षति या सम्भावित क्षति अधिनियम की धारा 6 की उप–धारा (1) के अधीन किसी नुकसानी के लिये प्रतिकर का दावा कर सकेगा;
- (ii) उक्त अधिनियम की धारा 13 की उपधारा (1) के अधीन समाप्त हो गई पूर्वक्षण अनुज्ञाप्तियों के संबंध में या उक्त अधिनियम की धारा 13 की उप–धारा (4) के अधीन समाप्त हो गये खनन पट्टे के लिये प्रतिकर का दावा कर सकेगा और उक्त अधिनियम की धारा 13 की उप–धारा (1) के खंड (i) से खंड (iv) में विनिर्दिष्ट मर्दों के संबंध में उपगत व्यय को उपदर्शित करने के लिये उक्त भूमि से संबंधित सभी मानचित्रों, चार्ट्स और अन्य दस्तावेजों को सुपुर्द करेगा, इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नब्बे दिन के भीतर भारसाधक अधिकारी या विभागाध्यक्ष (राजस्व), साऊथ ईस्टर्न कोलफील्ड्स लिमिटेड, सीपत रोड, बिलासपुर–495006 (छत्तीसगढ़) को सौंपेगा।

vul ph

विजय पश्चिमी ओसीपी (विजय पश्चिमी ब्लाक), विरिमिरी क्षेत्र,
जिला—कोरबा (छत्तीसगढ़)

(रेखांक संख्या एसईसीएल/बीएसपी/ जीएम (पीएलजी)/ भूमि/472, तारीख 15 अप्रैल, 2015)

सभी अधिकार:

(क) संरक्षित वन भूमि:

क्रम सं.	कक्ष संख्या	श्रेणी	प्रभाग	क्षेत्र हेक्टर में	टिप्पणियां
1.	1569	पसान	कटघोरा	8.479	भाग
2.	1570	पसान	कटघोरा	71.673	भाग
3.	1571	पसान	कटघोरा	198.973	भाग
4.	1572	पसान	कटघोरा	419.428	भाग
5.	1573	पसान	कटघोरा	144.391	भाग
6.	1576	पसान	कटघोरा	29.165	भाग
7.	1578	पसान	कटघोरा	116.445	भाग

कुल :—988.554 हेक्टर (लगभग) या 2442.717 एकड़ (लगभग)

(ख) राजस्व भूमि:

क्रम सं.	ग्राम का नाम	पटवारी हल्का संख्या	तहसील	जिला	क्षेत्र हेक्टेयर में	टिप्पणियां
1.	रानी अटारी (अरक्षित)	4	कटघोरा	कोरबा	45.973	पूर्ण
2.	कन्दई (अरक्षित)	4	कटघोरा	कोरबा	76.405	पूर्ण
3.	बिजाडांड (अरक्षित)	4	कटघोरा	कोरबा	34.702	भाग
4.	महदेई टिकरा (अरक्षित)	4	कटघोरा	कोरबा	74.041	भाग

कुल : 231.121 हेक्टर (लगभग) या 571.100 एकड़ (लगभग)

कुल योग(क+ख)=1219.675 हेक्टर (लगभग) या 3013.817 एकड़ (लगभग)

सीमा वर्णन:

ब्लाक—।:

क—ख रेखा, ग्राम बिन्दु 'क' से आरंभ होती है और कक्ष संख्या 1570, 1569, 1573, 1572 से गुजरती हुई जाती है और बिन्दु 'ख' पर मिलती है।

ख—ग रेखा, बिन्दु 'ख' से आरंभ होती है और कक्ष संख्या 1576, ग्राम बिजाडांड के मध्य भाग से गुजरती है और ग्राम बिजाडांड के दक्षिणी सीमा में बिन्दु 'ग' पर मिलती है।

ग—घ—ड रेखा, बिन्दु 'ग' से आरंभ होती है और ग्राम बिजाडांड के भागत: दक्षिणी सीमा, कक्ष संख्या 1578 और बिन्दु 'घ' से होती हुई जाती है और बिन्दु 'ड' पर मिलती है।

ड—च—छ रेखा, बिन्दु 'ड' से आरंभ होती है और ग्राम महदेई टिकरा के भागत: उत्तरी सीमा, बिन्दु 'च', ग्राम

महदेई टिकरा के उत्तरी भाग से होती हुई जाती है और बिन्दु 'छ' पर मिलती है।

छ—ट—ज रेखा, बिन्दु 'छ' से आरंभ होती है और ग्राम महदेई टिकरा के भागत: पश्चिमी सीमा, बिन्दु 'ट' से होती हुई ग्राम महदेई टिकरा के पश्चिमी सीमा में बिन्दु 'ज' पर मिलती है।

ज—झ—ञ रेखा, बिन्दु 'ज' से आरंभ होती है और कक्ष संख्या 1571, बिन्दु 'झ', ग्राम रानी अटारी के भागत: दक्षिणी सीमा से होती हुई बिन्दु 'ञ' पर मिलती है।

ञ—क रेखा, बिन्दु 'ञ' से आरंभ होती है और ग्राम रानी अटारी के भागत: पश्चिमी सीमा, कक्ष संख्या 1570 से होती हुई आरंभिक बिन्दु 'क' पर मिलती है।

ब्लाक- I :

- छ-ठ-ज रेखा, बिन्दु 'छ' से आरंभ होती है और कक्ष संख्या 1571, बिन्दु 'ठ' से होती हुई जाती है और ग्राम रानी अटारी के दक्षिणी सीमा में बिन्दु 'ज' पर मिलती है।
- अ-झ-ट रेखा, बिन्दु 'ज' से आरंभ होती है और कक्ष संख्या 1571, बिन्दु 'झ' से होती हुई जाती है और ग्राम महदेव टिकरा के पश्चिमी सीमा में बिन्दु 'ट' पर मिलती है।
- ट-छ रेखा, बिन्दु 'ट' से आरंभ होती है और ग्राम महदेव टिकरा के भागतः पश्चिमी सीमा से होती हुई जाती है और आरंभिक बिन्दु 'छ' पर मिलती है।

ब्लाक- III:

- ग-ड-च रेखा, बिन्दु 'ग' से आरंभ होती है और कक्ष संख्या 1578, बिन्दु 'ड' से होती हुई ग्राम महदेव टिकरा के उत्तरी सीमा में बिन्दु 'च' पर मिलती है।
- च-घ-ग रेखा, बिन्दु 'च' से आरंभ होती है और ग्राम महदेव टिकरा के भागतः उत्तरी सीमा, कक्ष संख्या 1578, बिन्दु 'घ' से होती हुई जाती है और आरंभिक बिन्दु 'ग' पर मिलती है।

[फा. सं. 43015 / 13 / 2015—पीआरआईडब्ल्यू-I]

जगदीश कुमार, उप सचिव

New Delhi, the 5th June, 2015

S.O.1148.—Whereas it appears to the Central Government that Coal is likely to be obtained from the lands in the locality mentioned in the Schedule annexed hereto;

And whereas, the plan bearing number SECL/ BSP/ GM(PLG)/LAND/ 472, dated the 15th April, 2015 containing details of the area covered by this notification may be inspected at the office of the Collector, District Korba (Chhattisgarh) or at the office of the Coal Controller, 1, Council House Street, Kolkata-700001 or at the office of the South Eastern Coalfields Limited (Revenue Section), Seepat Road, Bilaspur -495006 (Chhattisgarh);

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), (hereinafter referred to as the said Act), the Central Government hereby gives notice of its intention to prospect for coal in the land described in the aforesaid Schedule;

Any person interested in the land described in the above mentioned Schedule may--

- (i) claim compensation under sub-section (1) of Section 6 of the said Act for any damage caused or likely to be caused by any action taken under sub- section (3) of Section 4 thereof; or
- (ii) claim compensation under sub-section (1) of Section 13 of the said Act, in respect of prospecting license ceasing to have effect or under sub-section (4) of Section 13 of the said Act for mining lease ceasing to have effect, and deliver all maps, charts and other documents relating to the aforesaid land to show the expenditure incurred in respect of items specified in clauses (i) to (iv) of sub-section (1) of Section 13 of the said Act, to the Officer-In-Charge or Head of the Department (Revenue), South Eastern Coalfields Limited, Seepat Road, Bilaspur-495006 (Chhattishgarh) within ninety days from the date of publication of this notification in the Official Gazette.

Schedule

Vijay West OCP (Vijay West Block), Chirimiri Area,
District Korba, Chhattisgarh

(Plan bearing number SECL/BSP/GM (PLG)/LAND/ 472, dated the 15th April, 2015)

All Rights:

(A) Protected Forest Land:

Sl. No.	Compartment number	Range	Division	Area in hectares	Remarks
1.	1569	Pasan	Katghora	8.479	Part
2.	1570	Pasan	Katghora	71.673	Part
3.	1571	Pasan	Katghora	198.973	Part
4.	1572	Pasan	Katghora	419.428	Part
5.	1573	Pasan	Katghora	144.391	Part
6.	1576	Pasan	Katghora	29.165	Part
7.	1578	Pasan	Katghora	116.445	Part

Total: 988.554 hectares (approximately) or 2442.717 acres (approximately)

(B) Revenue Land:

Sl.No.	Name of village	Patwari halka number	Tahsil	District	Area in hectares	Remarks
1.	Rani Atari (Unsurveyed)	4	Katghora	Korba	45.973	Full
2.	Kandai (Unsurveyed)	4	Katghora	Korba	76.405	Full
3.	Bijadand (Unsurveyed)	4	Katghora	Korba	34.702	Part
4.	Mahdei Tikra (Unsurveyed)	4	Katghora	Korba	74.041	Part

Total: 231.121 hectares (approximately) or 571.100 acres (approximately)

Grand Total (A+B)= 1219.675 hectares (approximately)

or 3013.817 acres (approximately)

Boundary description:

BLOCK-I:

- A-B Line starts from point 'A' and passes through Forest compartment number 1570,1569,1573,1572 and meets at point 'B'.
- B-C Line starts from point 'B' and passes through Forest compartment number 1576, middle part of village Bijadand and meets at point 'C' on the southern boundary of village Bijadand.
- C-D-E Line starts from point 'C' and passes along partly southern boundary of village Bijadand, through Forest compartment number 1578, point 'D' and meets at point 'E' on the northern boundary of village Mahdei Tikra.
- E-F-G Line starts from point 'E' and passes along partly northern boundary of village Mahdei Tikra, point 'F', through northern part of village mahdei Tikra and meets at point 'G' on the western boundary of village Mahdei Tikra.
- G-K-H Line starts from point 'G' and passes along partly western boundary of village Mahdei Tikra, point 'K' and meets at point 'H' on the western boundary of village Mahdei Tikra.
- H-I-J Line starts from point 'H' and passes through Forest compartment number 1571, point 'I', along partly southern boundary of village Rani Atari and meets at point 'J'.
- J-A Line starts from point 'J' and passes along partly western boundary of village Rani Atari, through Forest compartment number 1570 and meets at starting point 'A'.

BLOCK-II :

- G-L-J Line starts from point 'G' and passes through Forest compartment number 1571, point 'L' and meets at point 'J' on the southern boundary of village Rani Atari.

J-I-K Line starts from point 'J' and passes through Forest compartment number 1571, point 'I' and meets at point 'K' on the western boundary of village Mahdei Tikra.

K-G Line starts from point 'K' and passes along partly western boundary of village Mahdei Tikra and meets at starting point 'G'.

BLOCK-III:

C-M-F Line starts from point 'C' and passes through Forest compartment number 1578, point 'M' and meets at point 'F' on the northern boundary of village Mahdei Tikra.

F-D-C Line starts from point 'F' and passes along partly northern boundary of village Mahdei Tikra, through Forest compartment number 1578, point 'D' and meets at starting point 'C'.

[F. No. 43015/13/2015-PRIW-I]
JAGDISH KUMAR, Dy. Secy.

Je , oajkst xkj e=kkj;

नई दिल्ली , 21 मई, 2015

क्र.वि. 1149.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफ. सी. आई. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण / श्रम न्यायालय बैंगलोर के पंचाट (संदर्भ संख्या 76 / 2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21 / 05 / 2015 को प्राप्त हुआ था ।

[सं. एल. 22012 / 210 / 2003 / आई आर (सीएम-II)]

मो. जाहिद शरीफ, अनुभाग अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 21st May, 2015

S.O. 1149.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.76/2008) of the Cent.Govt.Indus.Tribunal-cum-Labour Court, Bangalore as shown in the Annexure, in the industrial dispute between the management of Food Corporation of India, and their workmen, received by the Central Government on 21/05/2015.

[No. - L-22012/210/2003 - IR(CM-II)]

Md. ZAHID SHARIF, Section Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIUBNAL-CUM-LABOUR COURT,
BANGALORE**

Dated : 17th March, 2015

PRESENT : Shri S N NAVALGUND, Presiding Officer

C R No. 76/2008**I Party**

Shri C.S. Murli Manohar

Secretary (Officer), FCI
Employees Union C/o
FCI Reg Office,
10, Pallavi Kaling Rao
Rd., BENGALURU-560 027

II Party

The Senior Regiona Manager
Food Corporation of India,
RO, No. 10, P Kalinga Road
Road, Subbaiah Circle,
Mission Road,
BENGALURU - 560 027

Appearances

I Party : Shri S Raju
Advocate

II Party : Shri B L Sanjeev
Advocate

AWARD

1. The Central Government vide Order No. L-22012/210/2003-IR(CM-II) dated 06.11.2008 in exercise of the powers conferred by Clause (d) of Sub-Section (1) and Sub-Section2(A) of Section 10 of Industrial Dispute act, 1947 has made this reference for adjudication with following Schedule :

SCHEDULE

“Whether the demand of FCI Employees Union for stepping up of pay of S/Shri B.V. Purushottam, G.Y. Narasimha, S. Sreenivasa, Mohammed Mehboob Khan and Smt. C.V. Lakshmi at par with the pay of their junior namely Smt. E.Sumathy is legal and justified? To what relief these 5 workmen are entitled for?”

2. On receipt of the reference while registering it in C R 76/2008 when notices were issued to both the parties, I Party entered its appearance through Sh. S Raju, Advocate and filed claim statement on 29.06.2010, whereas, II Party entered its appearance through Sh. B L Sanjeev, advocate and filed its counter statement on 16.11.2010.

3. In the claim statement it is alleged that the five workmen i.e., Smt. C V Lakshmi, Sh. B V Purushotham, Sh. G Y Narasimha, Sh. S Sreenivasa and Sh. Mohammed Mehboob (hereinafter referred as I Party workmen) covered in this reference joined the services of the II Party as Typists on 26.11.1976, 15.12.1976, 09.12.1976, 13.12.1976 and 13.12.1976 respectively and subsequently came to be promoted as Assistant Grade II (general) vide order dated 10.05.1996 and 23.07.1997 respectively and were placed at Sl. No. 608, 627, 728, 629 and 630 in the Seniority List of South Zone as on 31.12.1999. It is also asserted that since there was no promotion avenues they were provided with the benefit of selection grade pay scale in the year 1993 and later on promoted in May, 1996 and July, 1997 and it is also asserted that one Smt. E Sumathy who also joined as Typist on 14.03.1977 in the Tamil Nadu Region was transferred to Karnataka Region who was at Sl. No. 640 was given selection grade pay on 01.12.1990 and was drawing pay of RS. 8,900 whereas the I Party workmen were drawing pay of Rs. 8,750. On coming to know this fact the I Party workmen gave a representation to the management to look into the matter and received a reply stating that it cannot step up the pay as sought by them. It is also asserted that as per the policy of the II Party in respect of unequal pay wherein a Senior Employee would be getting lesser pay than of his Junior the pay of Senior Employee should be stepped up on par with their junior. Therefore, the I Party workmen are entitle for stepping up of their pay w.e.f. 29.12.1993 the date on which both Junior and Seniors prayed this tribunal to direct the II Party to fix the pay of the I Party workmen on par with Smt. E Sumathy w.e.f. 27.07.1997 with backwages and interest thereon. INTERALIA, in the counter statement without disputing the fact of the entry into service of the I Party workmen it is contended that the dispute being raised after a period of 13 years and that Smt. E Sumathy belongs to reservation category i.e., SC/ST community, hence she had been granted with selection grade pay w.e.f. 01.12.1990 whereas the I Party workmen since belong to the General Cadre they were given selection grades w.e.f. 29.12.1993 and that only 30% of sanction strength are given with the Selection grade and that the I Party workmen are not eligible for the said stepping up of pay prayed for rejection of the reference.

4. On completion of the pleadings when the matter came to be posted for evidence, counsel appearing for the

I Party examined Sh. K R Madhu, Advisor of the I Party Union as WW 1 and got exhibited true copies of Resolution dated 27.08.2010; representation of C V Lakshmi, Jeeva N Narasimha, B V Purushotham, Srinivas dated 09.04.2002 and Mohd. Mahboob Khan dated 15.04.2002; Seniority list of Assistant Grade III category dated 17.03.1978; pay drawn particulars of I Party workmen; reply given by the management dated 11.07.2002; office order dated 23.07.1997; seniority list of AG II Category as on 31.12.1999 and circular issued by Deputy General Manager (RTI), FCI dated 14.06.2012 in continuation of its circular dated 24.09.1997 as Ex W-1 to Ex W-12. Inter alia, counsel for II Party examined Sh. G K Murthy, Assistant General Manager as MW 1 and got exhibited true copies of Office Order regarding selection grade dated 13.02.1995; Order regarding pay fixation dated 18.03.1995; Circulars No. 22/1992 & 13/1997 dated 13.12.1992, 24.12.1997; letter addressed by Sh. Shashi Mishra, Executive Director (Personnel) to Zonal Manager, FCI dated 05.07.1994; Rules and Regulations of the FCI Staff Regulation 1971 regarding placement of Selection Grade dated 17.08.1994; leave rules and Seniority list of AG III (MIN) as on 31.12.1978 as Ex. M-1 to Ex. M-8 and when the matter came to be posted for arguments counsel for both sides addressed their arguments.

5. On appreciation of the pleadings, oral and documentary evidence brought on record in the light of the arguments put forward by the learned advocates, I have arrived at conclusion the demand of FCI Employees Union for stepping up of pay at par with the pay of their junior namely Smt. E Sumathy is legal and justified and that they are entitle for the same for the following

REASONS

6. The II Party which contended that the employees can be considered for selection grade only when their CR's are satisfactory for preceding three years and when there is vacancy under 30% selection grade quota and subject to reservation for SC/ST employees failed to produce any record that Smt. Sumathy was SC/ST Employee and was considered under that quota. Moreover, it has been unequivocally admitted by MW 1 that five workers covered in this reference as well as Smt. Sumathy joined service initially as Typists and that till 1995 the five workmen covered in this reference as well as Smt. Sumathy were in the same pay scale and that for the purpose of promotion the caste is not a consideration. Therefore, the II Party failed to substantiate its contention for refusing to step up the pay of these five workmen par with their Junior Smt. Sumathy. Of course, the promotion is a matter of policy and employees can be considered for Selection grade only when their CR's are satisfactory but

it is not the case of the II Party that the CR's of these five workmen for the preceding three years were not satisfactory or any evidence is adduced in that regard. When their Junior Smt. Sumathi when fall in vacancy under 30% Selection Grade Quota there was no reason as to why these five workmen could not fall in that category. Only because this dispute came to be raised after lapse of 13 years it is no ground to reject the reference since there is no time limitation for raising the dispute. Under these circumstances, the demand of FCI Employees Union for stepping up of pay at par with the pay of their junior namely Smt. E Sumathy is legal and justified. In the result, I pass the following

ORDER

The demand of FCI Employees Union for stepping up of pay of S/Shri B V Purushottam, G Y Narasimha, S. Sreenivasa, Mohammed Mehboob Khan and Smt. C V Lakshmi at par with the pay of their junior namely Smt. E Sumathy is legal and justified and that they are entitle for stepping up of their pay on par with Smt. E. Sumathy w.e.f. 27.07.1997 and they are entitle for arrears/difference of wages.

S. N. NAVAL GUND, Presiding Officer

नई दिल्ली , 21 मई, 2015

dk-vk-1150.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार जवाहर नवोदय विद्यालय के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण / श्रम न्यायालय न० 2, चण्डीगढ़ के पंचाट (संदर्भ संख्या 104/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21/05/2015 को प्राप्त हुआ था ।

[सं० एल.— 42012/149/2004—आई आर (सीएम-II)]
मो. जाहिद शरीफ, अनुभाग अधिकारी

New Delhi, the 21st May, 2015

S.O. 1150.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.104/2005) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court No. 2, Chandigarh* as shown in the Annexure, in the industrial dispute between the management of *Jawahar Navodaya Vidyalaya*, and their workmen, received by the Central Government on 21/05/2015.

[No. L-42012/149/2004 - IR(CM-II)]
Md. ZAHID SHARIF, Section Officer

ANNEXURE**IN THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-II,
CHANDIGARH.****Present:** Sri Kewal Krishan, Presiding Officer.

Case No. I.D. No.104/2005

Registered on 19.7.2005

Sh. Surinder Singh, S/o Sh. Mahabir Singh, R/o Village Ladawas (Loharu) District Bhiwani.

Petitioner**Versus**

The Principal, Jawahar Navodaya Vidyalaya Devrala (Bhiwani)

Respondents**APPEARANCES**

For the workman	Sh. Mayank Sharma, Adv.
For the Management	Sh. Kailash Sharma, Adv.

AWARD**Passed on- 15.4.2015**

Central Government vide Notification No. L-42012/149/2004-IR(CM-II)) Dated 29.6.2005, by exercising its powers under Section 10 Sub Section (1) Clause (d) and Sub Section (2-A) of the Industrial Disputes Act, 1947 (hereinafter referred to as 'Act') has referred the following Industrial dispute for adjudication to this Tribunal:-

"Whether the action of the management of Jawahar Navodaya Vidhyalaya, Bhiwani in terminating the services of Sh. Surinder Singh, S/o Sh. Mahabir Singh, w.e.f. 4.8.2003 is legal and justified? If not, to what relief the workman is entitled?"

In response to the notice, the workman submitted statement of claim pleading that he was appointed as Helper-cum-Peon by the respondent on 1.1.2002 and his monthly wages were Rs.1100 per month. His services were arbitrarily terminated on 4.8.2003 when new Principal joined the service. That termination of his services is illegal as no compensation was paid to him and the persons junior to him were retained in service.

The management filed written statement pleading that workman was a part-time Mess Helper and his services were not terminated. There were several complaints (Annexure M1 to M9) regarding which an inquiry was conducted. He did not respond to the notice and himself deserted the service.

Parties were given opportunities to lead their evidence.

Workman appeared in the witness box and filed his affidavit reiterating the case as set out in the claim petition. He also examined Sh. Ishwar Singh of the respondent management who placed on record the list of the working days of workman which is Exhibit WW2/1.

On the other hand the management has examined Sh. Pushkar, Principal, who filed his affidavit along with the photocopy of the complaints Exhibit M1 to M10.

I have heard Sh. Mayank Sharma, counsel for the workman and Sh. Kailash Sharma, counsel for the management.

It was argued by the learned counsel that workman continuously worked from 1.1.2002 to 4.8.2003 and his services were arbitrarily terminated without serving any notice or payment of compensation, as well the persons junior to him were retained in service and therefore the termination is illegal and he be reinstated in service with back wages.

I have considered the contention of the learned counsel.

Though the management has taken the stand that there were several complaints against the workman and inquiry committee was constituted who submitted a report but no action was taken on the basis of that report and therefore the said complaints and the inquiry report has no relevance. The fact remains that workman worked with the management from 1.1.2002 to 31.7.2003 and the same is also evident from the summary produced by Ishwar Singh which is Exhibit WW2/1 on the file. Its perusal shows that the workman continuously worked from July, 2002 to July, 2003 and completed 240 days of service. It is not disputed that he was not paid any retrenchment compensation and no notice for terminating his services is required under the law was given. Therefore it cannot be said that his services were legally terminated.

Now the question is whether he can be reinstated in service. There is nothing on the file that the workman was appointed as per any rules and procedure of the management and against a regular post. If he was employed by not following any statutory rules, he cannot claim reinstatement. The only alternative is only to give him compensation. He has worked from 1.1.2002 to 31.7.2003 and getting a salary of Rs.1100 per month. Ordinarily, the workman is entitled to compensation of one month's pay in lieu of notice and 15 days' pay for every completed year but since the workman became out of the job all of a sudden, a suitable compensation is to be paid to him by doing a guess work. Considering the totality of the circumstances, Rs.75000 is a just compensation which is payable to the workman.

In result, the reference is answered holding that termination of the services of the workman is not legal and

justified and he is entitled to compensation of Rs.75000 from the respondent management. The management shall pay the same within two months of the publication of the award failing which the workman shall be entitled to get interest at the rate of 6 per cent per annum from the date of the award till realization.

KEWAL KRISHAN, Presiding Officer

नई दिल्ली , 21 मई, 2015

dk-vk 1151.—ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफ. सी. आई. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण / श्रम न्यायालय न0 1, धनबाद के पंचाट (संदर्भ संख्या 178 / 1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21/05/2015 को प्राप्त हुआ था ।

[सं0 एल. 22012/238/1992—आई आर (सी-II)]
मा. जाहिद शरीफ, अनुभाग अधिकारी

New Delhi, the 21st May, 2015

S.O.1151.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.178/1997) of the *Cent. Govt. Indus. Tribunal-cum-Labour Court No. 1, Dhanbad* as shown in the Annexure, in the industrial dispute between the management of *Food Corporation of India*, and their workmen, received by the Central Government on 21/05/2015.

[No. L-22012/238/1992 - IR(C-II)]
Md. ZAHID SHARIF, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO.1), DHANBAD.

IN THE MATTER OF A REFERENCE U/S 10(1)(D) (2A) OF I.D. ACT, 1947.

Ref. No. 178 of 1997

Employers in relation to the management of Food Corporation of India, Patna

AND

Their workmen.

Present:- Sri Ranjan Kumar Saran, Presiding officer

Appearances:

For the Employers.:– Shri U.N.Lall, Advocate
For the workman .:- Shri D.K.Verma, Advocate
State :- Jharkhand

Industry:- Food
Dated 05/05/2015

AWARD

By Order No.L-22012/238/1992-IR (C-II), dated. 25/10/1997, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

(i) Whether the action of the management of FCI, Patna in not regularising the service of Sh. Pradeep Kumar Ex- Casual Employee of FCI, Chandauti (Gaya) is legal and justified? If not, to what relief is the workman entitled and from which date?"

2. The case is received from the Ministry of Labour on 10.11.1997. After notice both parties appeared. After long delay, the Sponsoring Union files their written statement on 2/6.05.2002. The management files their written statement-cum-rejoinder on 30.09.2002. Thereafter document filed by the parties. Two witness examined on behalf of the management but one witness examined on behalf of the workman. Document marked of the workman as W-1 to W-4 but the management's documents marked as M-1 to M-16.

3. Short point to be decided in the reference, is whether the workman, who was a casual employee, asked not to work under the management is to be regularized or not.

4. The workman submits in his written statement that he was employed by the management at Food Storage Depot, Chandauti w.e.f. 01.10.1981 to 31.07.1989 as causal employee.

5. The management submitted that, the workman is not a regular employee, management is at liberty to ask him to discontinue the service.

6. But the workman submits that he has been working in the corporation for more than 240 days, in many calendar year, preceding his termination but the management has not complied the mandatory provision U/S 25 F of I.D Act.

7. The workman also files document i.e W-1 to W-4,. In W-3 Series Shows that the concerned workman received bonus for the period of 83-84 as well as 1984-85. In 1983-84 the workman received bonus for 232 days, which shows that the workman worked continuously.

8. The workman files a circular and also submits in his argument that there is a circular dated 06.05.87 issued by the management for regularization of causal employees who have completed 90 days service before 02.05.1986 in category IV.

9. In MW-1, Sri Sailendra Sharan submits “I know the concerned workman. I Know them as they were working there. And he also submits that the concerned workman used to work under our supervision”

10. Considering the facts and circumstances of this case, I hold that the action of the management of FCI, Patna in not regularising the service of Sh. Pradeep Kumar Ex-Casual Employee of FCI, Chanduati (Gaya) is not legal and justified. Hence the workman be regularised at once against the regular post without giving any back wages. If the award is not implemented within a month from the date of publication of award in the Gazette of India, and the management did not pray time to implement the same award, the management to pay a sum of Rs. 10,000 P.M for the 31st day from the publication of award, towards compensation.

This is my award.

R.K.SARAN, Presiding Officer

नई दिल्ली , 21 मई, 2015

dk-vk.1152.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफ. सी.आई. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण / श्रम न्यायालय न0 1, धनबाद के पंचाट (संदर्भ संख्या 179 / 1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21/05/2015 को प्राप्त हुआ था ।

[सं. एल. 22012/242/1992—आई आर (सी-II)]

मो. जाहिद शरीफ, अनुभाग अधिकारी

New Delhi, the 21st May, 2015

S.O.1152.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.179/1997) of the *Cent. Govt. Indus. Tribunal-cum-Labour Court No. 1, Dhanbad* as shown in the Annexure, in the industrial dispute between the management of *Food Corporation of India*, and their workmen, received by the Central Government on 21/05/2015.

[No. L-22012/242/1992 - IR(C-II)]
Md. ZAHID SHARIF, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO.1), DHANBAD.

IN THE MATTER OF A REFERENCE U/S 10(1)
(D) (2A) OF I.D.ACT, 1947.

Ref. No. 179 of 1997

Employers in relation to the management of Food Corporation of India, Patna

AND

Their workmen.

Present:- Sri Ranjan Kumar Saran,
Presiding officer

Appearances:

For the Employers. :- Shri U.N.Lall, Advocate

For the workman. :- Shri D.K.Verma, Advocate

State :- Jharkhand

Industry:- Food
Dated. 1/5/2015

WARD.

By Order No.L-22012/242/1992-IR (C-II), dated 25/10/1997, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

“(i) Whether the action of the management of FCI, Patna in not regularising the service of Sh. Rajendra Prasad, Ex- Casual Employee of FCI, Chanduati (Gaya) is legal and justified? If not, to what relief is the workman entitled and from which date?”

2. The case is received from the Ministry of Labour on 10.11.1997. After notice both parties appeared. After long delay, the Sponsoring Union files their written statement on 2/6.05.2002. The management files their written statement-cum-rejoinder on 30.09.2002. Thereafter document filed by the parties. Two witness examined on behalf of the management but one witness examined on behalf of the workman. Document marked of the workman as W-1 to W-2 but the management’s document marked as M-1 to M-16.

3. Short point to be decided in the reference, is whether the workman, who was a casual employee, asked not to work under the management is to be regularized or not.

“Whether the action of Bhakra Beas Management Board in not providing re-employment to the retrenched workman of BSL, Sh. Gurnam Singh S/o Matan Singh is justified and in or? If not, to what relief he is entitled to and from which date?”

In response to the notice, the workman appeared and submitted statement of claim pleading that he joined the services of Beas Sutlej Link Project w.e.f. 16.9.1969 and he was retrenched from service on 30.3.1984. The project was merged in Bhakra Beas Management Board after its completion. It is pleaded that large number of employees were re-deployed after his retrenchment vide Circular No.17/2/80. The workman was employed through employment exchange and was getting Rs.1800/- per month as salary plus allowances.

After his retrenchment, he applied for re-employment to Bhakra Beas Management Board vide application dated 23.4.1984, 21.4.1990 and 14.12.1992 but he was not re-employed. The persons who were junior to him were re-employed and therefore the respondent management contravened the provisions of Section 25H of the Act.

He again moved an application on 14.1.1993 and the concerned Executive Engineer asked him to give proof that he was employed through employment exchange. He again made several representations but was not absorbed in service.

Since there is a contravention of Section 25H of the Act, he be re-employed as workman w.e.f. 30.3.1984.

Respondent management filed written statement pleading that Bhakra Management Board which was later on renamed as Bhakra Beas Management Board was constituted under Section 79 of the Punjab Re-organization Act, 1966, whereas Beas Construction Board was constituted under Section 80 of the said Act. Beas Sutlej Link Project falls under Section 79 of the Act. That Beas Construction Board constituted under Section 80 was responsible for the construction and completion of the Beas Sutlej Link Project and on its completion, the project was handed over to Bhakra Beas Management Board, whereas its employees were not to be transferred to the said Board and as such the workman has no claim against the present management.

Parties were given opportunities to lead evidence.

In support of its case workman appeared in the witness box and filed his affidavit reiterating his stand taken by him in the statement of claim. He has placed on file copies of various representations made to the department.

On the other hand, management has examined Manwinder Singh, SDO, who filed his affidavit reiterating the stand of the management taken in the written statement.

I have heard Sh. R.K. Singh Parmar, AR of the workman and Sh. S.K. Goyal, Law Officer for the management.

It was vehemently argued by the A.R. of the workman that the persons junior to the workman were given re-employment by the respondent management and as such the workman is also entitled to be re-employed and since he has attained the age of more than 60 years, he be paid compensation and he has carried me through the copy of the award passed by Industrial Tribunal, Central, Chandigarh, in support of his arguments.

I have considered the contention of the Learned Counsel.

It is almost not disputed that workman joined the services of Bhakra Sutlej Link Project in 1979 and was retrenched on 30.3.1984. It is his own case that he left for abroad for some time and he made various representations to the authorities concerned for his re-employment. It is not disputed that Beas Sutlej Project was to be constructed by the Beas Management Board constituted under Section 80 of the Punjab Re-organization Act, 1966. Whereas, the Bhakra Beas Management Board was constituted under Section 79 of the said Act. It is not disputed that Beas Sutlej Link Project has been taken over by the Bhakra Beas Management Board for its maintenance and operation.

Now, the question whether the employees of the Beas Management Board have a right to get employment in the Bhakra Beas Management Board and the Hon'ble Apex Court in case of Jaswant Singh and Others Vs. Union of India and Others reported in AIR 1980 Supreme Court 115, has specifically held that the employees of the Beas Management Board did not become the employees of the Bhakra Beas Management Board and observed as follows:-

A Branch of the same argument is that under section 80(S), components of the Beas Project the construction of which has been completed after November 1, 1966 have to be transferred to the Bhakra Management Board and thereupon the provisions of Section 79 come into operation as if the transferred works were included in clauses (a) to (g) of section 79(1). It is urged that if any completed component of the Beas Project is transferred to the Bhakra Management Board as required by section 80(S), as has been done in the present case on May 15, 1976, the petitioners would become the employee of the Bhakra Management Board, since the work in connection with which they were employed is transferred to that Board. There is no warrant for this submission because, though section 80(5) requires a completed work of the Beas Project to be transferred to the Bhakra Management Board, it does not

provide that persons who were employed in connection with such a work should also be transferred as employees of the Bhakra Management Board. In the very nature of things there could be no such provision because if any persons were employed for the Beas Project only, their employment would normally cease on completion of that project. In fact, the petitioners were taken in employment on temporary posts for the purpose of completing the Beas Project. On the completion of that Project or any other works for which they were employed their employment would normally come to an end, especially since the statute from which their rights are said to flow does not protect that employment.

Since, the workman has no right to claim employment with the respondent, it cannot be said that he was to be re-employed by it after his retrenchment and as such, he has no right to ask for the relief claimed.

In result, the reference is answered against the workman and he is not entitled to any relief. Let hard and soft copy of the award be sent to the Central Government for further necessary action.

KEWAL KRISHAN, Presiding Officer

नई दिल्ली , 21 मई, 2015

dk-vk.1154.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. बी. एम. बी. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ श्रम च्यायालय न. 2, चण्डीगढ़ के पंचाट (संदर्भ संख्या 1118/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21/05/2015 को प्राप्त हुआ था ।

[सं. एल. 23012/5/2002—आई आर (सीएम-II)]
मो. जाहिद शरीफ, अनुभाग अधिकारी

New Delhi, the 21st May, 2015

S.O.1154.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.No.1118/2005) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court No 2, Chandigarh* as shown in the Annexure, in the industrial dispute between the management of *TSLC Divn., Beas Construction Board, BBMB*, and their workmen, received by the Central Government on 21/05/2015.

[No. L-23012/5/2002 - IR(CM-II)]
Md. ZAHID SHARIF, Section Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

Present: Sri KEWAL KRISHAN, Presiding Officer

Case No. I.D. No.1118/2005

Registered on 22.9.2005

Sh. Karambir Singh, Son of Sh. Ram Sarup, Resident of VPO Khanda Kheri, District Jind.

...Petitioner

Versus

1. The Executive Engineer, TSLC Division, Beas Construction Board, BBMB, Bhiwani.
2. Sub Divisional Officer, TSLC Division, Beas Construction Board, BBMB, Jind.

...Respondents

APPEARANCES

For the Workman : Sh. Tara Chand Dhalwal, Adv.

For the Management : Sh. N.K. Zakhmi, Adv.

Award

Passed on- 17.4.2015

Central Government vide Notification No. L-23012/5/2002 IR(CM-II) Dated 27.1.2003, by exercising its powers under Section 10 sub-section (1) Clause (d) and Sub Section (2-A) of the Industrial Disputes Act, 1947 (hereinafter referred to as 'Act') has referred the following Industrial Dispute for adjudication to this Tribunal:-

"Whether the action of the management of Bhakra Beas Construction Board now Bhakra Beas Management Board in terminating Sh. Karambir Singh, S/o Sh. Ram Sarup work Charge T/Mate from services w.e.f. 30.11.1987 is legal and justified? If not, to what relief he is entitled to?"

In response to the notice, the workman appeared and submitted statement of claim pleading that he was appointed on daily wages in the office of the SDO, TSLC Division, Beas Construction Board, Jind where he worked continuously from 13.1.1987 to 31.12.1987. His name was struck off from the muster roll on 1.4.1988 without serving any notice or paying him any compensation. That persons junior to him were retained in service. In the circumstances, his termination is illegal and he be reinstated in service with full back wages.

It is further pleaded that he approached the Labour court at Hisar who had no jurisdiction to decide the case

and thereafter he moved fresh demand notice and hence this reference.

The department filed written statement admitting that the workman was engaged for the period in question on daily wage basis, but it is pleaded that he was engaged on contract basis for a specific work for erection of 400 KV Dehar-Bhiwani Line Section and on the completion of the work, his services were disengaged. That the disengagement do not fall within the definition of retrenchment. It is further pleaded that his services were disengaged in the year 1987 and filed the demand notice in the year 2000 i.e. after a lapse of 13 years and as such he is not entitled to any relief.

In replication the workman has pleaded that he was not appointed against any particular work and he also worked on 220 KV Prem Nagar-Bhiwani-Dadri line.

Parties were given opportunities to lead their evidence.

In support of its case the workman appeared in the witness box and filed his affidavit reiterating the stand taken by him in the statement of claim. He placed on record a certificate issued by the concerned officer regarding his engagement on daily wage basis from 13.1.1987 to 31.12.1987.

On the other hand the respondent management has examined Satbir Singh who filed his affidavit reiterating the stand of the respondents as stated in the written statement.

I have heard Sh. Tara Chand Dhalwal, counsel for the workman and Sh. N.K. Zakhmi, counsel for the management.

It was vehemently contended by the Learned Counsel for the workman that workman continuously worked with the management from 13.1.1987 to 31.12.1987 and he has completed more than 240 days of continuous service in a calendar year and since his services were terminated without payment of retrenchment compensation, the termination is illegal.

I have considered the contention of the Learned Counsel.

It may be added at the outset that workman himself claims that he was appointed on daily wages and the discontinuance of service of such a person do not amount to retrenchment and in this respect reliance may be placed on Divisional forest Officer, Rohtak Vs. Jagat Singh and Others reported in 2010(4) SLR 390, wherein, it was observed in para 4 of the judgment as follow:

It may be noticed that the definition of retrenchment in Section 2(oo) of the Act is applicable to the provisions contained in chapter VA containing Sections 25F and 25H of the Act. The termination

of daily wager is not retrenchment failing within Section 2(oo)(bb) of the Act. Therefore, the workman, who is a daily wager, cannot be reinstated as it does not amount to retrenchment within the meaning of Sections 25F and 25G of the Act.

As per case of the workman, his services were discontinued on 31.12.1987. He made the demand notice in 2000. Though, he claims that he previously made an attempt in the Labour Court at Hisar. But he did not produce any document to support his assertions that he was pursuing the remedy somewhere else. Since he lodged claim after a lapse of more than 13 years, he cannot be given the relief claimed after such a lapse of long time.

It is the definite case of the respondent management that the workman was engaged for a specific for erection of 400 KV Dehar-Bhiwani Line Section and this has been so deposed by Satbir Singh, examined by the management. His statement remains unrebutted on the file and therefore it can be safely said that the workman was engaged on daily wage basis for a specific work and on completion of the work, his services automatically came to an end and he cannot claim any retrenchment compensation.

In view of the circumstances stated above, if the workman has completed 240 days of service, the same do not entitle him to claim any relief.

In result it is held that the workman is not entitled to any relief and the reference is accordingly answered against him. Let hard and soft copy of the award be sent to the Central Government for information and further necessary action.

KEWAL KRISHAN, Presiding Officer

नई दिल्ली, 21 मई, 2015

dk-vk.1155.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफ. सी. आई. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण / श्रम न्यायालय न. 2, धनबाद के पंचाट (संदर्भ संख्या 200 / 1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21 / 05 / 2015 को प्राप्त हुआ था ।

[सं. एल—22012/391/1998—आई आर (सीएम-II)]
मो. जाहिद शरीफ, अनुभाग अधिकारी

New Delhi, the 21st May, 2015

S.O.1155.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.. 200/1999) of the Cent.Govt.Indus.Tribunal-cum-Labour Court No. 2, Dhanbad as shown in the Annexure, in the

industrial dispute between the management of *Food Corporation of India*, and their workmen, received by the Central Government on 21/05/2015.

[No. L-22012/391/1998 - IR(CM-II)]
Md. ZAHID SHARIF, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO.2), AT DHANBAD

PRESENT

Shri Kishori Ram,
Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D.Act.,1947.

REFERENCE No. 200 OF 1999

PARTIES : Sri Binod Shankar Prasad,
Food Corp. Of India, Ltd.,
ARDC, Arunchal Building, Exhibition
Road, Patna.1
Vs. The Regional Manager,
Food Corporation of India Ltd.,
Exhibition Road, Patna.1.
Ministry' Order No.L-22012/391/98/
IR(CM-II) dated 25.05.1999

APPEARANCES :

On behalf of the workman/Union : Mr. K.Chakraborty,
Ld. Adv.

On behalf of the Management : Mr. A. K. Sinha,
Ld. Adv.

State : Bihar Industry : Food

Dated, Dhanbad the 20th April,2015

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec.10(1)(d) of the I.D. Act,1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-22012/391/98/IR (CM-II) dated 25.05.1999.

SCHEDULE

"Whether the demand of the Food Corporation of India's employees Union before the

Management of Food Corporation of India, Ranchi to regularize the services of Sh. Suresh Ram, Casual Driver is proper and justified? And whether the Management should regularize the workman."

2. Neither Union Representative nor workman Suresh Ram appeared nor any witness for his evidence produced despite 3rd Regd Notice to the Union concerned for it Mr. A. K. Sinha, Ld. Advocate for the OP/Management appeared later on.

On perusal of the case record, it is apparent the case of the year 1999 which is related to an issue for the regularization of the services of the workman, Casual Driver. It also reveals that the case has been pending for the evidence of the workman right from 05. 06. 2006. Three Regd Notices dtt.30.06.2014, 04.08.2014 and lastly 23.02.2015 were issued to Shri Binod Shanker Prasad, the Union Representative on his address noted in the Reference itself for the evidence of the workman, yet not a single witness on behalf of the workman has been produced in support of his claim. The Union Representative and the workman by their conducts appear to quiet reluctant to pursue the case for its final adjudication.

Under these circumstances, it seems no longer an Industrial Dispute existent. Hence the case is closed accordingly by passing an order of 'No Dispute Award'.

KISHORI RAM, Presiding Officer

नई दिल्ली, 25 मई, 2015

dk-vk-1156.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई. सी. एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण / श्रम न्यायालय, आसनसोल के पंचाट (संदर्भ संख्या 09 / 2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25 / 05 / 2015 को प्राप्त हुआ था।

[सं. एल.-22012/12/2012—आई. आर. (सीएम-II)]

मो. जाहिद शरीफ, अनुभाग अधिकारी

New Delhi, the 25th May, 2015

S.O.1156 .—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 09/2012 of the *Cent. Govt. Indu. Tribunal-cum-Labour Court, ASANSOL* as shown in the Annexure, in the industrial dispute between the management of *North Searssole Colliery, M/s. E.C.Ltd.*, and their workmen, received by the Central Government on 25/05/2015.

[No. L-22012/12/2012 - IR(CM-II)]

Md. ZAHID SHARIF, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL**

PRESENT : Sri Pramod Kumar Mishra,
Presiding Officer

REFERENCE No. 09 OF 2012

PARTIES: The management of J. K. Nagar Colliery of
M/s. ECL

Vs.

Sri Gopal Gorai

REPRESENTATIVES:

For the management : None

For the union (Workman) : D. K. Routh, Br. Lt. Secy.,
CMC (HMS)

INDUSTRY: COAL STATE: WEST BENGAL

Dated : 25.03.2015

AWARD

In exercise of powers conferred by clause (d) of Sub-section(1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), Govt. of India through the Ministry of Labour vide its letter No. L-22012/12/2012-IR(CM-II) dated 28.03.2012 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the management of J. K. Nagar Colliery of M/s. ECL in not payment HRA @ 10% of basic to Sri Gopal Gorai S/o Sri Late Chandra Kanta Gorai is fair and justified? To what relief the concerned workman is entitled?”

Having received the Order No. L-22012/12/2012-IR(CM-II) dated 28.03.2012 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case No. **09 of 2012** was registered on 19.04.2012 and accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned directing them to appear in the court on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned.

On perusal of the case record I find that the case was kept reserved for an award by my predecessor (Late Jayanta Kumar Sen, the then P.O.) because Sri D. K. Routh, Branch Joint Secretary of the union [CMC (HMS)], representing the workman submitted that the workman is not any more interested to proceed with the case further. Since the workman as well as the union are not interested to proceed with the case I think it wise to close

the case. As such the case is closed and accordingly an order of “No Dispute Award” may be passed.

ORDER

Let an “Award” be and same is passed as no dispute existing. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi, for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली , 25 मई, 2015

dk-vk-1157.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार *bz / h*, *y-* के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में *dñh; l j dkj vksj kfxd vf/kdj.k@Je ll; k; ky; vkl ul ky* के पंचाट (*I nHkI d; k 20@2004*) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25@05@2015 को प्राप्त हुआ था ।

[सं. एल-22012/88/2003-आईआर (सीएम-II)]
मो. जाहिद शरीफ, अनुभाग अधिकारी

New Delhi, the 25th May, 2015

S.O. 1157.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref.No. 20/2004 of the Cent.Govt.Indus.Tribunal-cum-Labour Court, ASANSOL as shown in the Annexure, in the industrial dispute between the management of Bahula Colliery under Kenda Area, M/s ECL, and their workmen, received by the Central Government on 25/05/2015.

[No. L-22012/88/2003-IR(CM-II)]
Md. ZAHID SHARIF, Section Officer

ANNEXURE**FORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL.**

PRESENT: Sri Pramod Kumar Mishra,
Presiding Officer

REFERENCE No. 20 OF 2004

PARTIES : The management of Bahula Colliery under
Kenda Area, ECL

Vs.

Sri Robin Bouri

REPRESENTATIVES:

For the management: Sri P. K. Das, Lt. Advocate, ECL
For the union (Workman): Sri Rakesh Kumar, President,
KMC

INDUSTRY : COAL STATE: WEST BENGAL

DATED: 30.03.2015

AWARD

In exercise of powers conferred by clause (d) of Sub-section(1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), Govt. of India through the Ministry of Labour vide its letter **No. L-22012/88/2003-IR(CM-II)** dated 23.02.2004 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

“ Whether the action of the management of Bahula Colliery under Kenda Area of M/s. Eastern Coalfields Limited in dismissing Sri Robin Bouri, Cleaning Mazdoor from service vide Order No. Pers/KEND/Termination/1060 dated 23/25.06.1999 is legal and justified? If not, to what relief he is entitled to?”

Having received the Order **No. L-22012/88/2003-IR(CM-II)** dated 23.02.2004 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case No. **20 of 2004** was registered on 23.03.2004. Accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned, directing them to appear in the court, on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned. Both the parties appeared in the Tribunal, through their representative and filed their separate sets of written statement in support of their respective claims.

In brief compass the case of the workman concerned as per his written statement is that Sri Robin Bouri the concerned workman was a permanent employee of the company as Cleaning Mazdoor having U.M. no 519465. He could not attend his duty with effect from 8th September, 1998 due to his sickness. He was absent for 3 months and 20 days only. He was charge sheeted on 28th December, 1998. The workman replied to the charge sheet. Management decided to hold a domestic enquiry and accordingly the enquiry was held. The workman participated in the enquiry proceeding and stated his reason for his absence from duty. The Management did not consider his explanation and passed dismissal order with effect from 25.06.1999. The workman again represented to the management for his re-instatement but his request was not considered. The punishment should always be proportionate to the nature of offence but in this case punishment awarded to workman is quite disproportionate to the nature of offence. Sri Robin Bouri belongs to schedule caste community which is weaker section of the society. He is not aware of the rules and regulations of the company. His absence was unintentional but due to his sickness. He should not have been awarded the punishment of

dismissal. Workman has prayed for re-instatement in service with full back wages and consequential benefit.

On the other hand, the defence case of the management as per their statement in brief is that reference is misconceived one. Further the case of the management is that Sri Robin Bouri, the workman was Cleaning Mazdoor in Bahula Colliery. He was charge sheeted by management vide charge sheet **No. Agent/BC/C-6E/31/98/2089** dated 28.12.98 for his act of misconduct under clause 17(i) (n) of Model Standing Order. The workman submitted his reply to the said Charge Sheet but explanation offered by ex-workman was found unsatisfactory. Therefore the domestic enquiry was conducted by the Enquiry Officer against charge sheeted workman in his presence. The workman was given all reasonable opportunity to defend his case in accordance with the Principle of Natural Justice. After conclusion of enquiry, Enquiry Officer submitted his report. The Disciplinary Authority after careful consideration of charge sheet, enquiry proceeding and other connected papers was pleased to award an Order of Dismissal of the concerned workman from his service. The guilt of the workman was proved. It is denied that ex-workman was absent due to his illness. It is denied that the punishment awarded to delinquent workman is harsh and disproportionate. The workman is not entitled to get any relief as prayed for.

The workman has filed copy of letter to the management of Bahula Colliery, copy of Fitness Certificate and copy of Letter to General Manager in documentary evidence. The Management has filed copy of Show Cause, copy of Enquiry Notice, copy of Enquiry Proceeding and Enquiry Report, copy of Notice, copy of 2nd Notice after enquiry and copy of Dismissal Order in documentary evidence.

Neither party of the reference has submitted any oral evidence.

I have heard the argument of Sri Rakesh Kumar, Union Representative on behalf of the workman and Sri P. K. Das, Ld. Advocate on behalf of the management.

Sri Rakesh Kumar, Union Representative has argued that as per N.C.W. Agreement if any workman upto age of 45 years remained absent upto 9 months he will be reinstated. The workman was absent only for 3 months and 20 days. Therefore, as per N.C.W. Agreement he ought to have been re-instated. He further argued that the punishment awarded to delinquent workman i.e. dismissal from service is too harsh and disproportionate for absence of only for 3 months and 20 days and the workman was absent due to his illness. On the other hand Sri P.K. Das, Ld. Advocate has argued on behalf of management is that in the Enquiry Proceeding the explanation of workman regarding sickness was found unsatisfactory. Therefore, after Enquiry Proceeding he was dismissed.

The workman has participated in Enquiry Proceeding. If workman remained absent from the duty any industry can not function. The punishment of dismissal is quite proportionate to the gravity of misconduct.

It is not disputed that Sri Robin Bouri was a permanent employee of Bahula Colliery of Eastern Coal Fields Limited as Cleaning Mazdoor. It is admitted by both the parties that he remained absent from duty for 3 months and 20 days with effect from 8th September, 1998.

In so far as the relationship of Industrial employment is concerned, a workman has certain express implied obligations towards his employer. Any conduct on the part of the employee inconsistent with the official discharge of his duties towards his employer would be misconduct. In Industrial Law the word misconduct has acquired a specific connotation. It can not mean only inefficiency and slackness, it is something for more positive and certainly deliberate. The charge of misconduct is therefore conduct which would be quite incompatible with the express or implied terms of relationship of the employee to the employer. The misconduct has been defined in Model Standing Order of Eastern Coal Fields Limited.

The workman as per his version was absent from his duty due to his sickness. He has submitted a copy of fitness certificate dated 9th day of January, 1999 of Dr. H. Bouri who is B.A.M.S doctor. As per medical certificate he was suffering from hepatitis. As per medical certificate he was under treatment from 8th September, 1998 to 8th January, 1999. But this fitness certificate is not supported with any treatment of history, prescription and purchase of medicine and any Pathological report etc.

This Medical Certificate does not inspire confidence. The workman has filed a letter to General Manager for his explanation regarding his absence.

For absence of delinquent workman the enquiry was conducted. The Agent, Bahula Colliery issued Show Cause Notice in reference of Model Standing Order to delinquent workman Sri Robin Bouri by a letter No. **Agent/BC/C-6E/31/98/2809** dated 28th December, 1998. After receiving explanation from Sri Robin Bouri, the delinquent workman, the enquiry officer issued Notice of Enquiry of Sri Robin Bouri by letter No. **Agent/BC/C-6E/31/17/103** dated 9th January, 1999. Though the copy of Enquiry Notice has been filed on record by the management but the management has not filed the copy of charge sheet supplied to workman.

Charge sheet is a charter of disciplinary action. Domestic enquiry commences with the service of charge sheet. In other words before the proceeding with the domestic enquiry against an offending workman, he must be informed clearly, precisely and accurately of the charges leveled against him. It is the duty of the employer

to indicate the delinquent employee not only precise nature of charges, but also the document, if any, upon which charges are based.

The charge sheet should specifically set out all charges, which the workman is called upon to show cause against and should also state all relevant particulars, without which he can not defend himself. The object of this requirement is that the delinquent workman must know what he is charged with and have the amplest opportunity to meet the charge and to defend himself by giving proper explanation, otherwise it will amount that he is condemned unheard. Fair hearing pre-supposes a precise and definite catalogue of charges, so that the workman charged may understand effectively to meet them. Any amount of evidence led in the enquiry is no substitute for a charge sheet, clearly setting forth the allegations. If without issuing charge sheet, the domestic enquiry is held, there is no domestic enquiry at all.

In the present reference there is no copy of charge sheet against the delinquent workman. It is necessary to re-iterate that copy of enquiry proceeding has been submitted by the management. It was the duty of the management to furnish the copy of charge sheet on the filed reference of the tribunal. If there is copy of enquiry proceeding and report but without copy of charge sheet it will be presumed that there is no charge sheet against the workman. If the workman is punished without being served the charge sheet, it is clear violation of Principle of Natural Justice.

Though from the enquiry proceeding it transpires that workman has participated in enquiry proceeding he has been cross-examined the witness of management. He was given second show cause notice before passing Order of Dismissal. But no amount of evidence led in the enquiry is substitute for charge sheet. If enquiry proceeding is conducted without framing of charge against workman and having served to the delinquent workman, it will be presumed that there is no domestic enquiry at all in the eye of law.

As per N.C.W. Agreement if any workman whose age is below 45 years remained absent upto nine months he can be re-instated. In the present case the workman was absent only for 3 months and 20 days. Therefore, as per N.C.W. Agreement also the workman concerned could have been re-instated for this period of absence though it is misconduct.

When different categories of penalties can be imposed in respect of absence from duty, one of which is dismissal of service, the Disciplinary Authority is required to consult himself for selecting most appropriate penalty from out of range of penalties available that can be imposed, having regard to the nature, content and

gravity of the default. If the lesser penalty can be imposed without seriously jeopardizing the interest of employer or industry, Disciplinary Authority should not impose maximum of penalty of dismissal from service. Dismissal from service for merely absence for 3 months and 20 days is quite harsh and disproportionate to the fault of the delinquent workman.

The workman has not stated anywhere in the written statement that he was not gainfully employed anywhere during the period of dismissal. The burden of proof that he was not gainfully employed anywhere is initially on the workman. Hon'ble Supreme Court in **Kendriya Vidyalaya Sangathan V/s S.C. Sharma**, AIR 2005 page 768 has held that when the question of determining entitlement of a person to back wages is concerned the employee has to show that he was not gainfully employed.

In view of the discussion above, I think it just and proper to modify and substitute the punishment exercising power u/s 11(a) of Industrial Dispute Act, 1947 and accordingly the impugned order of dismissal of the concerned workman Sri Robin Bouri is hereby set aside and is directed to be re-instated with the continuity of the service with punishment of stoppage of two increments with cumulative effect. It is further directed that workman will be entitled to get only **25%** of back wages with all consequential benefits.

ORDER

Let an "Award" be and the same is passed as per above discussion. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली , 25 मई, 2015

dk-vk-1158.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार **bz l h , y-** के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **dk-vk-1158-vf/kdj.k@Je ll; k; ky; vkl ul ky** के पंचाट (**I nHkz I f; k 14@2000**) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25@05@2015 को प्राप्त हुआ था ।

[सं. एल—22012/337/1999—आईआर (सीएम-II)]
मो. जाहिद शरीफ, अनुभाग अधिकारी

New Delhi, the 25th May, 2015

S.O. 1158.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. No.14/2000 of the *Cent. Govt. Indus. Tribunal-cum-Labour Court, ASANSOL* as shown in the Annexure, in the

industrial dispute between the management of Lachipur Colliery of M/s ECL and their workmen, received by the Central Government on 25/05/2015.

[No - L-22012/337/1999 - IR(CM-II)]
Md. ZAHID SHARIF, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

PRESENT: Sri Pramod Kumar Mishra,
Presiding Officer

REFERENCE NO. 14 OF 2000

PARTIES : The management of Lachipur Colliery
of M/s. ECL

vs.

Sri Kalipada Bouri

REPRESENTATIVES:

For the management : Sri P. K. Das, Ld. Advocate,
ECL

For the union (Workman): Sri Rakesh Kumar, President,
KMC

INDUSTRY: COAL STATE: WEST BENGAL

Dated : 06.04.2015

AWARD

In exercise of powers conferred by clause (d) of Sub-section(1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), Govt. of India through the Ministry of Labour vide its letter **No. L-22012/337/99/IR(CM-II)** dated 27.01.2000 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

"Whether the action of the management of Lachipur Colliery of M/s. ECL in dismissing Sh. Kalipada Bouri, workman from services is legal and justified? If not, to what relief the workman is entitled to?"

Having received the Order **No. L-22012/337/99/IR(CM-II)** dated 27.01.2000 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case **No. 14 of 2000** was registered on 07.02.2000 and accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned directing them to appear in the court on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance

ORDER

Let an “Award” be and same is passed as no dispute existing. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi, for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 25 मई, 2015

dk-vk-1160.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार *Ch-1 h-1 h, y-* के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में *dk-vk-1160-IR(CM-II) dated 05.05.1999* को प्रकाशित करती है, जो केन्द्रीय सरकार को 25@05@2015 को प्राप्त हुआ था ।

[सं. एल—22012/271/1998—आईआर (सीएम-II)]

मो. जाहिद शरीफ, अनुभाग अधिकारी

New Delhi, the 25th May, 2015

S.O.1160 .—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. No. 53/1999 of the *Cent. Govt. Indus. Tribunal-cum-Labour Court, ASANSOL* as shown in the Annexure, in the industrial dispute between the management of Victoria West Colliery of M/s BCCL and their workmen, received by the Central Government on 25/05/2015

[No. L-22012/271/1998 - IR(CM-II)]

Md. ZAHID SHARIF, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL**

PRESENT : Sri Pramod Kumar Mishra,
Presiding Officer

REFERENCE NO. 53 OF 1999

PARTIES: The management of Victoria West Colliery of M/s. BCCL

Vs.

Sri Dharmesh Deva and 13 others

REPRESENTATIVES:

For the management: Sri P. K. Das, Ld. Adv. BCCL

For the union (Workman): Sri S. K. Pandey, Gen. Secy.,
CMC

INDUSTRY: COAL STATE: WEST BENGAL

Dated : 10.04.2015

AWARD

In exercise of powers conferred by clause (d) of Sub-section(1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), Govt. of India through the Ministry of Labour vide its letter **No. L-22012/271/98-IR(CM-II)** dated 05.05.1999 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the management of Victoria West Colliery under C.V. Area of M/s. BCCL is justified in denying the pay protection in fixation of initial pay in the regularized / converted category is justified? If not, to what relief Sh. Dharmesh Deva and 13 others are entitled?”

Having received the Order **No. L-22012/271/98-IR(CM-II)** dated 05.05.1999 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case No. **53 of 1999** was registered on 07.06.1999 and accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned directing them to appear in the court on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned.

Case called out. Sri P. K. Das, Ld. Adv. appears on behalf of the management but none appears on behalf of the workman.

This reference belongs to year 1999. Since many date workman / union is not present in spite of this reference is one of the oldest references of this tribunal. Even after passing of 16 years union / workman has not file written statement yet. Registered notice has been served on 01.12.2014, even after service of registered notice date was fixed on 05.02.2015. Workman / union representative are absent even today no one present on behalf of the workman. It appears that the workman is not interested in contesting the reference anymore. There is no use of fixing another date. Hence, a “No Dispute Award” may be passed accordingly.

ORDER

Let an “Award” be and same is passed as no dispute existing. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi, for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 25 मई, 2015

dk-vk-1161.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार *bz I h-, y-* के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में *dkj vks lfxd vf/kdj .k@Je ll; k; ky; vkl ul ky* के पंचाट (*I nHkz I q; k 09@1999*) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25@05@2015 को प्राप्त हुआ था ।

[सं. एल.-22012/79/1998—आईआर (सीएम-II)]
मो. जाहिद शरीफ, अनुभाग अधिकारी

New Delhi, the 25th May, 2015

S.O.1161.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref.09/1999 of the *Cent. Govt. Indus. Tribunal-cum-Labour Court, ASANSOL* as shown in the Annexure, in the industrial dispute between the management of Shankarpur Colliery of M/s ECL and their workmen, received by the Central Government on 25/05/2015

[No. L-22012/79/1998-IR(CM-II)]
Md. ZAHID SHARIF, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

PRESENT: Sri Pramod Kumar Mishra,
Presiding Officer

REFERENCE NO. 09 OF 1999

PARTIES: The management of Pure Seetalpur Unit of
Shankarpur Colliery of M/s. ECL

Vs.

Sri T. K. Pandey

REPRESENTATIVES:

For the management: Sri P. K. Das, Ld. Adv. ECL

For the union (Workman): Sri S. K. Pandey, Gen. Secy.,
CMC

INDUSTRY: COAL STATE: WEST BENGAL

Dated : 22.04.2015

AWARD

In exercise of powers conferred by clause (d) of Sub-section(1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), Govt. of India through the Ministry of Labour vide its letter No. L-22012/79/98-IR(CM-II) dated 22.01.1999 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

“ Whether the action of the management of Pure Seetalpur Unit of Shankarpur Colliery of M/s. ECL by not regularizing Sh. T. K. Pandey, Timber Mistry, as Canteen Manager is legal and justified? If not, to what relief Sh. Dharmesh Deva and 13 others are entitled? ”

Having received the Order No. L-22012/79/98-IR(CM-II) dated 22.01.1999 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case No. 09 of 1999 was registered on 22.01.1999 and accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned directing them to appear in the court on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned.

Case called out. Sri P. K. Das, Ld. Adv. representing the management and Sri S. K. Pandey, General Secretary of the union (CMC), representing the workman are present.

Sri. S. K. Pandey submits that the case may be closed and necessary order to that effect may be passed as the workman is not anymore interested to proceed with the case further. The case is also too old – 1999. I find no reason to keep this old record pending, as the workman is not at all interested to proceed with the case further. As such the case is closed a ‘No Dispute Award’ may be passed accordingly.

ORDER

Let an “Award” be and same is passed as no dispute existing. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi, for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 25 मई, 2015

dk-vk- 1162.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार *I h, ei H Mh vkbz* के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में *dkj vks lfxd vf/kdj .k@Je ll; k; ky; vkl ul ky* के पंचाट (*I nHkz I q; k 18@1999*) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25@05@2015 को प्राप्त हुआ था ।

[सं. एल-22012/110/1998 - आईआर (सीएम-II)]

मो. जाहिद शरीफ, अनुभाग अधिकारी

New Delhi, the 25th May, 2015

S.O.1162. —In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. No.18/1999 of the *Cent. Govt. Indus. Tribunal-cum-Labour Court, ASANSOL* as shown in the Annexure, in the industrial dispute between the management of *CMPDI* and their workmen, received by the Central Government on 25/05/2015.

[No.- L-22012/110/1998 - IR(CM-II)]
Md. ZAHID SHARIF, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

PRESENT: Sri Pramod Kumar Mishra,
Presiding Officer

REFERENCE NO. 18 OF 1999

PARTIES: The management of CMPDI, Regional Institute, Asansol

Vs.

Sri N. L. Dubey

REPRESENTATIVES:

For the management: Sri P. K. Das, Ld. Adv. ECL

For the union (Workman): Sri S. K. Pandey, Gen. Secy., CMC

INDUSTRY: COAL STATE: WEST BENGAL

Dated : 23.04.2015

AWARD

In exercise of powers conferred by clause (d) of Sub-section(1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), Govt. of India through the Ministry of Labour vide its letter **No. L-22012/110/98-IR(CM-II)** dated 27.01.1999 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

“ Whether the action of the management of CMPDI, Regional Institute, Asansol in not regularizing Sh. N.L. Dubey, Cat. I Mazdoor as Clerk is justified? If not, to what relief is the workman entitled?”

Having received the Order **No. L-22012/110/98-IR(CM-II)** dated 27.01.1999 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case **No. 18 of 1999** was registered on 09.02.1999 and accordingly an

order to that effect was passed to issue notices through the registered post to the parties concerned directing them to appear in the court on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned.

Case called out. Sri P. K. Das, Ld. Adv. representing the management and Sri S. K. Pandey, General Secretary of the union (CMC), representing the workman are present.

Sri. S. K. Pandey submits that the case may be closed and necessary order to that effect may be passed as the workman is not anymore interested to proceed with the case further. He also made endorsement on the order sheet in this regard. This is a very old case in the year of 1999 and the workman is also not interested to proceed with the case further. So I have no option left but to close the case. As such the case is closed and accordingly a ‘No Dispute Award’ may be passed.

ORDER

Let an “Award” be and same is passed as no dispute existing. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi, for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 25 मई, 2015

dk-vk- 1163.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार **bz I h, y-** के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में **dk-vk- 1 j dkj vks kxrd vf/kdj.k@Je ll; k; ky;] vkl ul ky** के पंचाट (**I nHkZ I g; k 30@1999**) को प्रकाशित करती है, जो केन्द्रीय सरकार को **25@05@2015** को प्राप्त हुआ था ।

[सं. एल. 22012/251/1998—आईआर (सीएम-II)]

मो. जाहिद शरीफ, अनुभाग अधिकारी

New Delhi, the 25th May, 2015

S.O. 1163.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. No. 30/1999 of the *Cent. Govt. Indus. Tribunal-cum-Labour Court, ASANSOL* as shown in the Annexure, in the industrial dispute between the management of *Chora Colliery of M/s ECL* and their workmen, received by the Central Government on 25/05/2015.

[No.- L-22012/251/1998 - IR(CM-II)]
Md. ZAHID SHARIF, Section Officer

PARTIES: The management of Nageshwar Satgram
Colliery of M/s ECL

Vs.

Smt. Lotni Bouri

REPRESENTATIVES:

For the management: Sri P. K. Das, Ld. Adv. ECL

For the union (Workman): Sri Rakesh Kumar, President,
KMC

INDUSTRY: COAL STATE: WESTBENGAL

Dated : 11.05.2015

AWARD

In exercise of powers conferred by clause (d) of Sub-section(1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), Govt. of India through the Ministry of Labour vide its letter No. **L-22012/361/98-IR(CM-II)** dated 09.07.1999 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the management of Nageshwar Satgram Colliery, ECL in denying voluntary retirement and denial of medical examination by Apex Medical Board to Smt. Lotni Bouri is legal and justified? If not, to what relief is the workman concerned entitled?”

Having received the Order No. **L-22012/361/98-IR(CM-II)** dated 09.07.1999 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case No. **92 of 1999** was registered on 23.07.1999 / 19.09.2001 and accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned directing them to appear in the court on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned.

Case called out. Sri P. K. Das, Ld. Adv. representing the management and Sri Rakesh Kumar, President of the union (KMC), representing the workman are present.

Sri Rakesh Kumar submits that the workman has already superannuated from service and now no dispute exists between the parties. He also endorsed it on the order sheet. Since no dispute exists between the parties, the case is closed and accordingly a “**No Dispute Award**” may be passed.

ORDER

Let an “Award” be and same is passed as no dispute existing. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi, for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 25 मई, 2015

dk-vk- 1165. —औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार b7 I h , y- के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में dñh; I j dkj vks| kfxd vf/kdj.k@ Je ll; k; ky; vkl ul ky के पंचाट (I nHk l q; k 67@2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25@05@2015 को प्राप्त हुआ था ।

[सं १८. २२०१२/५२७/१९९९—आई. आर. (सीएम-II)]

मो. जाहिद शरीफ, अनुभाग अधिकारी

New Delhi, the 25th May, 2015

S.O.1165 . —In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. No. 67/2000 of the *Cent. Govt. Indus. Tribunal-cum-Labour Court, ASANSOL* as shown in the Annexure, in the industrial dispute between the management of Banshra Satgram Colliery of M/s ECL and their workmen, received by the Central Government on 25/05/2015.

[No. - L-22012/527/1999 - IR(CM-II)]
Md. ZAHID SHARIF, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

PRESENT: Sri Pramod Kumar Mishra,
Presiding Officer

REFERENCE No. 67 OF 2000

PARTIES: The management of Banshra Colliery of M/s ECL

Vs.

Sri Bindheswar Mahato

REPRESENTATIVES:

For the management: Sri P. K. Goswami, Ld. Adv.
ECL

For the union (Workman): None

INDUSTRY: COAL STATE: WESTBENGAL

Dated : 12.05.2015

AWARD

In exercise of powers conferred by clause (d) of Sub-section(1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), Govt. of India through the Ministry of Labour vide its letter **No. L-22012/527/99-IR(CM-II)** dated 27.07.2000 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the management of Banshra Colliery in refusing to accept the date of birth w.e.f. 26.05.45 as per the Mining Sirdarship Certificate in respect of Sh. Bindheswar Mahato, Safety Production Assistant is legal and justified? If not, to what relief the concerned workman is entitled?”

Having received the Order **No. L-22012/527/99-IR(CM-II)** dated 27.07.2000 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case No. **67 of 2000** was registered on 07.08.2000 and accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned directing them to appear in the court on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned.

Case called out both parties are absent.

On perusal of case record I find that the case was ordered for “No Dispute Award” on 14.03.2002 and accordingly. No Dispute Award was issued on the same date i.e. 14.03.2002. On 29.04.2002 the union applied for restoration of the reference and accordingly the reference was restored on 01.02.2006 the reference case was restored and fixed for filing written statement by the union. Registered notice was issued on 25.03.2009, 16 dates were granted after that. Again notice was issued on 04.01.2012 and 18 dates granted. Final notice was again sent to the union on 19.12.2014 but to no effect. So it is apparent from the record that the workman is not at all interested to proceed with the case further. As such the case is closed and accordingly a “No Dispute Award” may be passed.

ORDER

Let an “Award” be and same is passed as no dispute existing. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi, for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 25 मई, 2015

dk-vk-1166 .—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार **bz l h , y-** के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **dñh; l j dkj vksj kfxd vf/kdj.k@Je ll; k; ky; vkl ul ky** के पंचाट (**I nHkI q; k 02@2000**) को प्रकाशित करती है, जो केन्द्रीय सरकार को **25@05@2015** को प्राप्त हुआ था ।

[सं० एल. 22012/254/1999—आईआर (सीएम-II)]
मा. जाहिद शरीफ, अनुभाग अधिकारी

New Delhi, the 25 May, 2015

S.O.1166.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. No. 02/2000 of the *Cent. Govt. Indus.Tribunal-cum-Labour Court, ASANSOL* as shown in the Annexure, in the industrial dispute between the management of *Khas Kajora Colliery of M/s ECL* and their workmen, received by the Central Government on 25/05/2015.

[No. - L-22012/254/1999 - IR(CM-II)]
Md. ZAHID SHARIF, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL.

PRESENT: Sri Pramod Kumar Mishra,
Presiding Officer

REFERENCE NO. 02 OF 2000

PARTIES: The management of Khas Kajora Colliery,
ECL

Vs.

Sri Damu Dakua

REPRESENTATIVES:

For the management: Sri P. K. Das, Ld. Advocate,
ECL

For the union (Workman): Sri Rakesh Kumar, President,
KMC

INDUSTRY: COAL STATE: WEST BENGAL

DATED: 14.03.2015

AWARD

In exercise of powers conferred by clause (d) of Sub-section(1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), Govt. of India through the Ministry of Labour vide its letter **No. L-22012/254/1999-IR(CM-II)** dated 21.12.1999 has been pleased to refer the following dispute for adjudication by this

Tribunal.

SCHEDULE

“Whether the action of the management of Khas Kajora Colliery, of M/s. Eastern Coalfields Limited, in dismissing Sri Damu Dakua, General Mazdoor is legal and justified? If not, to what relief he is entitled to?”

Having received the Order **NO. L-22012/254/1999-IR(CM-II)** dated 21.12.1999 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case No. **02 of 2000** was registered on 05.01.2000/10.10.2001. Accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned, directing them to appear in the court, on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned. Both the parties appeared in the Tribunal, through their representative and filed their separate sets of written statement in support of their respective claims.

The workman has stated in his written statement that the workman Sri Damu Dakua was a permanent employee of Khas Kajora Colliery of Eastern Coalfields Limited bearing **U.M.No. 862335**. His date of birth is **01.10.1949** and date of appointment is **01.01.1972**. Sri Damu Dakua was served with the charge sheet on 03.11.1997 for his absence from duty from 20.05.1997. He replied the charge sheet and informed the management that he was sick and therefore, he could not attend his duties. The information about his sickness was sent by his colleague and also by the Union representative. The absence was un-intentional and beyond his control. Total period of absence of the concerned employee was five and half months only i.e. from 20.05.1997 to 03.11.1997. When the workman reported for duty, the management assured that he will be allowed to join duty but instead of allowing him to join duty, the management issued the order of dismissal from service. The quantum of punishment is extremely harsh and dis-proportionate to the nature of guilt. As per the letter of Director (P) CIL dated 20.01.1994 though the quantum of punishment is dis-proportionate, the management did not follow the guidelines of CIL. The workman appealed in Hon'ble Calcutta High Court. The Hon'ble Calcutta High Court has been pleased to pass order dated 12.08.1998 and 24.08.1998 considering the case in favour of the workman concerned but the management did not comply with the order of Hon'ble Calcutta High Court and dismissed the workman from service before issuing 2nd Show Cause notice which is clear violation of the guideline issued by Director (P&IR) CIL issued on 12.05.1994. The management also flouted the ‘Principle

of Natural justice’.

The management has stated in his Written Statement that the concerned workman was absent from his duty with effect from 20.05.1997 without any prior permission or information or leave. As such he was issued charge sheet dated 03.11.1997 under section 17(1)(C) of Model Standing Order applicable to Coal Mining Industry. The workman failed to submit any explanation. Therefore, domestic enquiry was conducted by the Enquiry Officer into the said charge sheet. The notice of the enquiry was sent to the workman but the workman deliberately avoided the notice. After seven months the concerned workman replied to the above charge sheet. The workman alleged sickness for his absence. The enquiry was conducted in accordance with principle of natural justice. The concerned workman fully participated in the enquiry through his co-worker. The concerned workman was given all reasonable opportunity by the Enquiry Officer during the enquiry proceedings. The charges were established and his misconduct was totally proved. The plea of illness was not accepted by the Enquiry Officer. Disciplinary authority after careful consideration of the charge sheet, enquiry proceedings, enquiry report and all other connected papers was pleased to award an order of dismissal from service against the workman in accordance with the gravity of the misconduct. Thus the punishment awarded to the concerned workman is quite proportionate to the guilt committed by him and the quantum of punishment was not at all dis-proportionate.

The workman has filled additional Written Statement. He has stated that the workman Sri Damu Dakua was transferred from Mugma Area to Kajora Area and was posted at Khas Kajora Colliery of M/s. ECL. Since he was new at Khas Kajora Colliery, he was trapped by money lenders and anti-social elements. Due to this reason he was mentally disturbed. He started his medical treatment at Kajora Gram and left the colliery premises. He went to his brother's Quarter at Jhanjra Project. He requested the management for his transfer to Jhanjra Project of M/s. ECL and the same was under consideration. But, in the meantime, he was charge sheeted and enquiry was conducted by the management.

The workman has filed photo copies of Application of Sri Damu Dakua for resumption of duty, Sickness/Treatment certificate issued by Doctor, letter addressed to G.M., Kajora for changing the place of enquiry, letter to CMD, ECL and others by his advocate, reply of second show cause notice, Order dated 12.08.1998 of Hon'ble High Court to pay the wages, Order of Hon'ble High Court dated 24.08.1998 directing the management to follow the guidelines of CIL, guideline of D(P) CIL on the basis of Hon'ble Supreme Court Judgement, minutes of the meeting held with CMD, ECL and minutes of the meeting held with the local management. The workman has filed

affidavit in his oral evidence. The workman has been cross examined by the management. The management has filed the file of domestic enquiry and the management has not adduced any oral evidence.

I have heard the arguments of Sri Rakesh Kumar, Ld. union representative on behalf of the workman and also of Sri P. K. Das, Ld. Advocate on behalf of the management. Sri Rakesh Kumar argued that the workman was sick and therefore, due to his sickness he could not attend his duties. He also stated that as per guideline of Hon'ble Supreme Court of India, and letter of Director (P&IR) CIL dated 20.01.1994 the workman ought to have given show cause notice before passing order of dismissal from service. But the workman has already been dismissed and then 2nd show cause notice was issued which was a violation of guideline of the Company as well as of Hon'ble Supreme Court of India.

On the other hand, Sri P. K. Das, learned advocate has argued that in passing the order of dismissal there was no illegality. He further argued that the workman has already retired from service and therefore, the workman can neither be re-instated nor entitled for any back wages.

The case of workman is that due to his absence from duty without information or permission he was issued charge sheet and after domestic enquiry he was dismissed. Though as per the workman his absence was due to some valid reason beyond his control as he was sick. Whereas the case of management is that the theory of sickness of the workman was false as held in domestic enquiry and therefore, after enquiry he was dismissed from service.

It is admitted fact that the concerned workman Sri Damu Dakua has been dismissed for his absence after conducting domestic enquiry. The workman has filed a medical report of Dr. H. N. Singh. Dr. H. N. Singh has issued a medical certificate that Sri Damu Dakua was suffering from infectious type Hepatitis and he was under his treatment from 20.05.1997 to 03.11.1997 and has been declared medically fit to resume his duty. The concerned physician is an outside medical practitioner and the certificate is also not supported by any case history. The workman has not filed any prescription or any other document supporting his illness. This medical certificate, therefore, does not inspire confidence. The workman has filed a copy of enquiry proceedings. It appears from the enquiry proceedings that the workman has participated in the domestic enquiry. He has been given due opportunity to defend himself by the enquiry officer. The workman has stated in his Affidavit that he was served Charge Sheet No. KKC/P&IR/C-6/19/249 dated 03.11.1997. He has stated that he replied the charge sheet refusing the allegations as he was sick which has been duly supported by medical certificate of a registered medical practitioner. He also added that as per practice the management allowed so many other workers who have absented from duty for

longer period but in his case the management has deliberately decided to dismiss him from service which is unjustified. During cross-examination the workman has stated that he is 60 years old and he sent information to the management regarding his illness. He, however, could not file any document in favour of his sending intimation to the management.

The workman has stated in his evidence that he is 60 years old. He had sent information to the management regarding his illness but the workman has not filed any paper regarding his information to the management. His medical certificate also does not inspire confidence.

Hon'ble Supreme Court of India in **(1973) 1 LLJ 278, 'Workmen' of Firestone Tyre and Rubber manufacturing Company -vs- Management**, has held that right to take disciplinary action and to decide upon quantum of punishment are mainly managerial functions. If the dispute is referred to Tribunal, the tribunal has power to see whether the action of management is justified. Before imposing the punishment, the employer is expected to conduct a proper enquiry in accordance with the provision of Standing Order, if applicable, and on the principle of natural justice. Interference on the management will be justified only when the findings arrived at in the enquiry are perverse and management is guilty for adopting unfair labour practice or malafide attitude.

The Tribunal is now at liberty to consider not only whether the findings of the misconduct recorded by the workman are correct but also to defer from that findings if a proper case is made out.

Now the tribunal has to see whether the punishment imposed by the employer is commensurate with the gravity of act of misconduct committed by the delinquent workman. It is relevant to mention that in the instant case the workman has participated in the domestic enquiry. He has been cross-examined. The workman has not challenged the fairness of the enquiry proceedings. He has challenged that he was not given 2nd Show Cause notice before passing the order of dismissal from service.

The workman should have been given copies of enquiry report and enquiry proceedings. Workman has right to show cause against the findings of the report and right to show cause against the proposed penalty. After enquiry proceedings and after issuance of 2nd Show Cause notice by management workman has right to represent against the enquiry report. After hearing the workman the order of punishment can be passed. But in this reference case, the workman has already been dismissed from service and then 2nd show cause notice was issued to him. It is a clear violation of the order of Hon'ble Supreme Court of India and principle of natural justice.

When different penalties can be imposed in respect of alleged reference case, one of which is dismissal from service, the disciplinary authority is required to consult himself for selecting most appropriate penalty from different ranges of penalties that can be imposed based on nature, content and gravity of the default. Unless, the disciplinary authority reaches to the conclusion that nature, content and magnitude of the fault committed by the employee concerned is so serious that it will be absolutely unsafe to retain him in service, the maximum penalty of dismissal from service can not be imposed. If the lesser penalty can be imposed without seriously jeopardizing the interest of employer, the disciplinary authority cannot impose the maximum penalty i.e. dismissal from service.

The concerned workman has admitted in his cross-examination that he is 60 years old. As per Written Statement the workman's date of birth is 01.10.1949. Therefore at present he is more than 60 years old. Had he been in service, he would have retired till now. Therefore, question of reinstatement of the concerned workman does not arise. So far as the back wages is concerned the workman has not stated that during that period of dismissal he was not employed anywhere.

In view of discussion above, I think it just and proper to modify and substitute the punishment exercising the power under Section 11 A of Industrial Dispute Act, 1947. The impugned order of dismissal is set-a-side. Management is directed to pay all retirement benefits to the concerned workman. I think it fit and proper that the delinquent workman be imposed stoppage of two increments without cumulative effect. **The workman will get 25% of back wages.**

ORDER

Let an "Award" be and the same is passed as per above discussion. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 25 मई, 2015

dk-vk-1167.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार *chil hl h, y* के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में *dkljk vks kxcl vf/kdj.k@Je U; k; ky;] u0 1] /kuckn* के पंचाट (*I nHkz I f; k 50/2009*) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25/05/2015 को प्राप्त हुआ था।

[सं० एल—20012/64/2009—आई आर (सीएम-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 25th May, 2015

S.O.1167.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. No. 50/2009 of the *Cent.Govt.Indus.Tribunal-cum-Labour Court No. 1, Dhanbad* as shown in the Annexure, in the industrial dispute between the management of *M/s. BCCL* and their workmen, received by the Central Government on 25/05/2015.

[No. L-20012/64/2009—IR (CM-I)]
M.K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO.1), DHANBAD.

IN THE MATTER OF A REFERENCE U/S 10(1)(D)(2A)
OF I.D.A.CT, 1947.

Ref. No. 50 of 2009

Employers in relation to the management of Lodna Area of M/S BCCL

AND

Their workmen.

Present: Sri Ranjan Kumar Saran,
Presiding officer

Appearances:

For the Employers: None

For the workman: Shri S.C.Gour, Rep.

State : Jharkhand Industry: Coal

Dated. 15/4/2015

AWARD

By Order No.L-20012/64/2009-IR (CM-I), dated 18/08/2009, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

"(i) Whether the demand of the Koyla Ispat Mazdoor Panchayat from the management of Lodna Area of M/S BCCL to give promotion/up gradation to Shri Mangal Harijan as Excavation Grade "B" is justified and legal?" (ii) To what relief is the workman concerned entitled?"

2. The case is received from the Ministry of Labour on .02.09.2009. After notice both parties appeared , the Sponsoring Union files their written statement on 13.10.2009.. After long delay, the management files their

written statement-cum-rejoinder on 27.06.2013. Thereafter document filed by the parties.

3. The short point to be decided in this reference as to whether the workman entitled for promotion as he claimed on the ground, that his junior have been given promotion to higher grade, ignoring the claim of the present workman.

4. The promotion is not at all a right of the workman, it is considered taking into capability discipline and performance. Merely saying that the management did not give promotion, is not at all a ground unless glaring discrimination is shown. Moreover the person who superseded the workman concerned are not before the Tribunal.

5. The workman has not taken the ground that the management by grudge did not give him promotion. Since promotion is the prerogative of management.

6. Considering the facts and circumstances of his case, I hold that, the demand of the Koyla Ispat Mazdoor Panchayat from the management of Lodna Area of M/S BCCL to give promotion /up gradation to Shri Mangal Harijan as Excavation Grade "B" is not justified and legal. Hence the workman will not get any relief in this reference.

This is my award.

R.K.SARAN, Presiding Officer

नई दिल्ली, 25 मई, 2015

dk-vk-1168.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार chl hl h, y के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में dñh; l jdkj vks kxcl vf/kdj .k@Je ll; k; ky;] u0 1] /kuckn के पंचाट (l nkkz l f; k 55/93) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25/05/2015 को प्राप्त हुआ था ।

[सं. एल—20012/366/1991—आईआर (सी-1)]
एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 25th May, 2015

S.O. 1168.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. No. 55/93 of the *Cent. Govt. Indus. Tribunal-cum-Labour Court No. 1, Dhanbad* as shown in the Annexure, in the industrial dispute between the management of *M/s. BCCL* and their workmen, received by the Central Government on 25/05/2015.

[No. L-20012/366/1991-IR (C-I)]
M.K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1 DHANBAD

In the matter of reference U/S 10 (1) (d) (2A) of I.D.Act.
1947

Reference: No 55/1993

Employer in relation to the of Management of P B Area
of M/S. B.C.C.L .

AND.

Their workmen.

Present: : Sri R.K. Saran

Presiding Officer.

Appearances:

For the Employers: Sri N. M. Kumar, Advocate

For the workman: None

State: Jharkhand Industry: Coal

Dated- 16/04/2015

AWARD

By order No. L-20012/366/1991 IR (C-1) dated 06/01/1993, the central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

SCHEDULE

"Whether the demand of RCMS (INTUC) for regularization of Sri Mithiles Paswan and 19 others on the roll of Balihari Colliery, M/s. B.C.C.Ltd is justified ? If so, to what relief the workmen are entitled to"

Annexure

List of workmen

- | | |
|---------------------|--------------------------|
| 1. Mithilesh Paswan | 2. Barandeo Singh |
| 3. Raghu Thakur | 4. Degan Thakur |
| 5. Lalan Ram | 6. Niranjan Singh |
| 7. Ramashis Singh | 8. Isarail |
| 9. Inam | 10. Sri Anawar |
| 11. Sri Abdul | 12. Md. Basir |
| 13. Sri Nasim | 14. Sri Lamaman Ram |
| 15. Laldeo Paswan | 16. Sri Sitaram Paswan |
| 17. Sri Abul Hasan | 18. Shri Deo Narain Rana |
| 19. Safik | 20. Asaif |

2. After receipt of the reference , both parties are noticed. But none appears on behalf of the workman inspite of regd. Notice. Case remain pending. It is felt that the disputes between the parties have been resolved in the meantime. Hence No Dispute Award is passed. Communicate.

R.K.SARAN, Presiding Officer

नई दिल्ली, 25 मई, 2015

dk-vk-1169.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार *chil hli h, y* के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण / श्रम न्यायालय, न0 1, धनबाद के पंचाट (I **IR** I **42/93**) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25/05/2015 को प्राप्त हुआ था ।

[सं. एल—20012/376/1991—आईआर (सी-I)]
एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 25th May, 2015

S.O. 1169.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 42/93) of the *Cent. Govt. Indus. Tribunal-cum-Labour Court No. 1, Dhanbad* as shown in the Annexure, in the industrial dispute between the management of M/s. BCCL and their workmen, received by the Central Government on 25/05/2015.

[No. L-20012/376/1991 – IR (C-I)]
M.K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD

In the matter of reference U/S 10 (1) (d) (2A) of I.D.
Act. 1947

Reference: No 42/1993

Employer in relation to the management of Amlabad D.G. Projects of M/s. BCCL .

AND

Their workmen

Present: Sri R.K.Saran,
Presiding Officer

Aparances:

For the Employers: None

For the workman: None

State : Jharkhand Industry : Coal

Dated : 17/04/2015

AWARD

By order No. L-20012/376/1991 IR (C-I) dated 05/01/1993, the central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub –section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

SCHEDULE

“ Whether the action of the management of Amlabad D.G.Project of M/s. B.C.C.L, P.O. Amlabad, District-Dhanbad in not departmentalizing/ regularizing Sri Sushil Kumar Mukherjee is justified ? If not, to what relief the workman is entitled ?”

2. After receipt of the reference , both parties are noticed. But appearing for certain dates, none appears subsequently. Case remain pending. It is felt that the disputes between the parties have been resolved in the meantime. Hence No Dispute Award is passed. Communicate.

R.K.SARAN, Presiding Officer

नई दिल्ली, 25 मई, 2015

dk-vk-1170.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीसीसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण / श्रम न्यायालय, न0 1, धनबाद के पंचाट (संदर्भ संख्या 10/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25/05/2015 को प्राप्त हुआ था ।

[सं. एल—20012/60/2009—आईआर (सीएम—I)]
एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 25th May, 2015

S.O. 1170.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 10/2010) of the *Cent. Govt. Indus. Tribunal-cum-Labour Court No. 1, Dhanbad* as shown in the Annexure, in the industrial dispute between the management of M/s. BCCL and their workmen, received by the Central Government on 25/05/2015.

[No. L-20012/60/2009 – IR (CM-I)]
M.K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO.1), DHANBAD

In the matter of a rererence U/s 10(1) (D) (2A) of
I.D. ACT, 1947.

Ref. No. 10 of 2010

Employers in relation to the management of Sijua Area,
M/s. BCCL

AND

Their workmen

Present: Sri Ranjan Kumar Saran,
Presiding officer

Appearances:

For the Employers: Shri D.K.Verma, Advocate

For the workman: Shri S.C.Gour, Rep.

State : Jharkhand Industry: Coal.

Dated : 16/4/2015

AWARD

By Order No.L-20012/60/2009-IR (CM-I), dated 18/01/2010, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

“Whether the action of the management of Basudeopur Colliery of M/s. BCCL in Superannuating Shri Gopal Yadav, Tyndal w.e.f. 01.07.2007 is justified and legal? (ii) To what relief is the workman concerned entitled?”

2. The case is received from the Ministry of Labour on 28.01.2010. After notice both parties appeared , the Sponsoring Union files their written statement on 15.03.2010. But after long delay, the management files their written statement-cum-rejoinder on 15.10.2012.

3. The short point to be decided in this reference is whether the retirement of the concerned workman on 01.07.2007 is proper or not. Parties filed rejoinder and documents. Workman examined himself as WW-1, But from the side of management none has been examined.

4. The workman in his evidence stated that he is now aged 70, and he has no age proof document to file in court. Even accepting age 70 as on today , if calculated roughly he is more than 60 years on the date of its superannuation. Hence he has been rightly superannuated by the management. The workman is not entitled to any relief in this reference .

This is my award.

R.K.SARAN, Presiding Officer

नई दिल्ली, 25 मई, 2015

dk-vk-1171 .—औद्योगिक विवाद आधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीसीसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण / श्रम न्यायालय, न० 1, धनबाद के पंचाट (संदर्भ संख्या 53/93) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25/05/2015 को प्राप्त हुआ था।

[सं. एल-20012/411/1991—आई आर (सी-I)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 25th May, 2015

S.O.1171 .—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 53/93) of the *Cent. Govt. Indus. Tribunal-cum-Labour Court No. 1, Dhanbad* as shown in the Annexure, in the industrial dispute between the management of *M/s. BCCL* and their workmen, received by the Central Government on 25/05/2015.

[No. L-20012/411/1991-IR (C-I)]

M.K. SINGH, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO.1, DHANBAD**

In the matter of reference U/s 10 (1) (d) (2A) of
I.D.Act. 1947

Reference: No 53/1993

Employer in relation to the management of Koyala Bhawan of M/s. BCCL

AND

Their workmen

Present: Sri R.K.Saran,
Presiding Officer

Appearances:

For the Employers: None

For the workman: Sri S.C. Gour, Advocate

State : Jharkhand Industry: Coal

Dated: 17/04/2015

AWARD

By order No. L-20012/411/1991 IR (C-I) dated 06/01/1993, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub –section (1) and sub-section (2A) of section 10

of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

SCHEDULE

“Whether the action of the management of M/s. BCCL, Koyala Bhawan, P.O. Koyala Nagar, Dist. Dhanbad in stopping the leave facility w.e.f. 01/01/1980 which was being enjoyed by Shri K. R. Kutty earlier is justified? If not, to what relief the workman is entitled to?”

2. This case is received from the Ministry on 11/02/1993.. During the pendency of the case, The representative of workman submits that workman is not interested to contest the case. It is felt that the dispute between parties is resolved. Hence “No dispute” award is passed. communicate.

R.K.SARAN, Presiding Officer

शुद्धि पत्र

नई दिल्ली, 26 मई, 2015

का.आ. 1172.—केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय असलसोल द्वारा पारित संदर्भ संख्या 129/आईटीसी/2005 दिनांक 02/07/2013 के अंतर्गत पंचाट, जिसकी समसंघक अधिसूचना दिनांक 13/08/2013 को अधिकारिक राजपत्र में प्रकाशित हुआ था, को संदर्भित किया जाता है।

2 उल्लिखित पंचाट के संदर्भ में शुद्धिपत्र दिनांक 01/12/2014 पूर्व में आधिकारिक राजपत्र में प्रकाशित हुआ था,

3 उल्लिखित पंचाट में पुनर्शुद्धिकरण निम्नोक्त रूप में प्रभावी होंगे।

- (i) In line No. 2 of Page No. 3, the name of the workman may be read as “**Dilip Bouri**” instead of “**Lala Bouri**”.
- (ii) In line No. 2 of Page No. 3, “**75 percentage**” of back wages may be read as “**50%**” of back wages.

[सं. एल-22012/40/2005-आईआर (सी-II)]

मो. जाहिद शरीफ, अनुभाग अधिकारी

CORRIGENDUM

New Delhi, the 26th May, 2015

S.O.1172.—The reference is invited to the a ward passed by CGIT-cum-Labour Court, Asansol vide their Ref. No. 129/ITC/(2005)-dated 02.07.2013, which was published in the official gazette vide Notification of even number dated 13.08.2013.

2. An earlier Corrigendum in respect of the aforesaid award was published in the official gazette dated 01.12.2014.

3. Further corrections in the aforesaid award are effected as follows:—

- (i) In line No. 2 of Page No. 3, the name of the workman may be read as “**Dilip Bouri**” instead of “**Lala Bouri**”.
- (ii) In line No. 2 of Page No. 3, “**75 percentage**” of back wages may be read as “**50%**” of back wages.

[No. L-22012/40/2005-IR (CM-II)]
Md. ZAHID SHARIF, Section Officer

ANNEXURE

OFFICE OF THE PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM- LABOUR COURT

Ref. No. 129/ITC/(2005)-

Dated: 25.03.2015

Ref: Ministry's order No. L-22012/40/2005-IR (CM-II)
This office Ref. No. 129/2005 (a copy of award enclosed)

SCHEDULE

“Whether the action of the management of B.M.P. Group of Mines of M/s. ECL in dismissing Sh. Dilip Bouri, Rail Mazdoor from services w.e.f. 27.12.97 is legal and justified? If not, to what relief the workman is entitled?”

CORRIGENDUM

- 1. In line No. 2 of Page No. 3, the name of the workman may be read as “**Dilip Bouri**” instead of “**Lala Bouri**”.
- 2. In line No. 2 of Page No. 3, “**75 percentage**” of back wages may be read as “**50%**” of back wages.

Now the last page of the award will be read as:—

Accordingly the Order of dismissal is hereby set-aside. The management is directed to allow the workman Dilip Bouri to join in the service with 50% of back wages within three months from the date of Notification.

ORDER

Let an “Award” be and the same is passed as per above discussion. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 29 मई, 2015

dk-vk-1173.—औघोगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक आफ इंडिया के प्रबंधतत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औघोगिक विवाद में केन्द्रीय सरकार औघोगिक अधिकरण / श्रम न्यायालय, धनबाद के पंचाट (48/2005) में प्रकाशित करती है जो केन्द्रीय सरकार को 29.05.2015 को प्राप्त हुआ था।

[सं. एल—12012/01/2005-आई आर (बी-II)]
रवि कुमार, डेस्क अधिकारी

New Delhi, the 29th May, 2015

S.O. 1173.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 48/2005) of the Cent. Govt. Indus. Tribunal-cum-Labour Court No 1, Dhanbadas shown in the Annexure, in the industrial dispute between the management of Bank of India and their workmen, received by the Central Government on 29/05/2015.

[No. L-12012/01/2005 - IR(B-II)]
RAVI KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO.1), DHANBAD

In The Matter of a Reference U/s 10(1) (D) (2A) OF I.D.
Act, 1947

Ref. No. 48/2005

Employers in relation to the management of Bank of India, Dhanbad Zone

And

Their workman

Present: **Sri Ranjan Kumar Saran,**
Presiding officer

Appearances:

For the Employers : Sri D.K.Verma, Advocate

For the workman: Sri D. Mukherjee, Advocate.

State: Jharkhand Industry: Banking

Dated. 30/3/2015

AWARD

By Order No.L-12012/01/2005-IR (B-II), dated 30/05/2005, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause

(d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

“ Whether the action of the management of Bank of India, Dhanbad Zone Dhanbad in terminating Sh. Subhas Saw from the service of the bank in subordinate cadre i.e. as Driver from may 2004 is justified? If not to what relief the concerned workman is entitled?”

2. The case is received from the Ministry of Labour on 18.07.2005. After receipt of the reference, both parties are noticed. The workman files their written statement on 02.08.2005. Thereafter the management files their written statement on 25.01.2006. Document filed by the workmen.

3. The Short point to be decided whether the workman , who was a driver of Bank Officer , rendering service is to be regularized as a driver in the bank or not.

4. The workman submitted that he was entrusted to drive Bank's vehicle and gave the vehicle number in his written statement .

5. Bank Management without disputing the same , submits that the Bank officers allowed to get perks such as vehicle and they used to engage drivers and the driver get salary from the Bank Officers which bank provides to the officers.

6. In this case the workman filed photocopy of log Book (not disputed), received money from officers (not disputed) If the workman was the personal driver of the officer, why he will maintain log Book, which was countersigned by Bank officers.

7. The Bank management failed to adduce any evidence in this case. Moreover Apex court vide judgment 2005 LLR 443 orders such workmen to be regularized.

8. Considering the facts and circumstances of this case, I hold that the action of the management of Bank of India, Dhanbad Zone Dhanbad in terminating Sh. Subhas Saw from the service of the bank in subordinate cadre i.e. as Driver from may 2004 is not justified. Hence the he be regularized in the post of driver at once i.e within month. however no back wages is awarded. If the workman is not given job within one month from the date of publication of award, and management prays court to allow time, that will be considered. If no request made to Court, from the 31st day , after date of publication of the award in the Gazette, the workman will be given @ Rs. 10,000/- P.M by the Bank Management.

This is my award.

R. K. SARAN, Presiding Officer

नई दिल्ली, 29 मई, 2015

dk-vk- 1174.—ओद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सैट्रल बैंक आफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार आद्योगिक अधिकरण/श्रम न्यायालय, धनबाद के पंचाट (संदर्भ सं. 22/2014) को प्रकाशित करती है जो केन्द्रीय सरकार को 29. 05.2015 को प्राप्त हुआ था।

[सं. एल—12011/63/2005-आई आर (बी-II)]
रवि कुमार, डेर्स्क अधिकारी

New Delhi, the 29th May, 2015

S.O. 1174.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.No. 22/2014) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court No. 1, Dhanbad* as shown in the Annexure, in the industrial dispute between the management of **Central Bank of India** and their workmen, received by the Central Government on 29/05/2015.

[No. L-12011/63/2005 - IR(B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO.1), DHANBAD.

IN THE MATTER OF A REFERENCE U/S 10(1)(D) (2A)
OF I.D.ACT, 1947.

Ref. No. 22/2014

Employers in relation to the management of Central
Bank of India, Muzaffarpur

And

their workman

Present: Sri Ranjan Kumar Saran,
Presiding Officer

Appearances:

For the Employers: Sri B.B.Manjhi, Manager Law

For the workman.: Sri B.Prasad, Rep.

State :-Bihar Industry: Banking

Dated : 6/04/2015

AWARD

By Order No.L-12011/63/2005-IR (B-II), dated 18/09/2006, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause

(d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

“ Whether the action of the management of Central Bank of India, Muzaffarpur in terminating the service of Shri Ramesh Kumar, Sub-Staff, Devapur Branch, P.O-Motihari, Distt. East Champaran (Bihar) is legal and or justified? If not, what relief Sri Ramesh Kumar is entitled to?”

2. The case is received from the Ministry of Labour on 16.10.2006 by CGIT No.2, Dhanbad . After receipt of the reference, both parties are noticed. The management files their written statement on 23.01.2008. Thereafter the Sponsoring Union files their rejoinder of W/S of the management on 12.05.2011. thereafter Document filed by the both side .

3. Two witness examined by the workman and one witness examined on behalf of the management. Management's document marked as M-1 to M-1/26 and workman's document marked as W-1 to W-3.

4. hereafter As per letter No.L- 12011/63/2005 IR (B-II) dated 12/02/2014. This case is received by the CGIT No.2 and registered in CGIT No.1 as Ref. No. 22/14.

5. The short point to be decided in this reference, is the workman who was engaged as casual employee under the management for 26.7.99 to 13.05.2000 is to be regularized under the management.

6. The management submitted that the workman worked as purely temporary and casual employee from 26.07.99 to 13.05.2000 and took his wage.

7. The workman received information from bank management, which has been supplied under R.T.I Act. From the R.T.I report, it is seen that the workman worked for 293 days. From the said document it has not been mentioned , that the workman was not engaged continuously or intermittently. Therefore, before termination of the workman, Sec 25 F of the I.D Act must be complied. Since the workman has been asked not to work, retrenchment compensation U/S 25.F, is to be given to him. In the absence of that the termination is illegal.

8. Considering the facts and circumstances of this case, I hold that the action of the management of Central Bank of India, Muzaffarpur in terminating the service of Shri Ramesh Kumar, Sub-Staff, Devapur Branch , P.O-Motihari, Distt- East Champaran(Bihar) is not justified. Hence the workman be engaged at once , without giving any back wages.

This is my award

R. K. SARAN, Presiding Officer

नई दिल्ली, 29 मई, 2015

dk-vk-1175 .—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक आफ इंडिया के प्रबंधतत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण / श्रम न्यायालय, /luckn के पंचाट (संदर्भ सं. 1/2013) को प्रकाशित करती है जो केन्द्रीय सरकार को 29.05.2015 को प्राप्त हुआ था।

[सं. एल.— 12012/24/2012-आई आर (बी-II)]
रवि कुमार, डेस्क अधिकारी

New Delhi, the 29th May, 2015

S.O. 1175.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.No. 01/2013) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court No. 1, Dhanbadas* shown in the Annexure, in the industrial dispute between the management of **Bankof India** and their workmen, received by the Central Government on 29/05/2015.

[No. L-12012/24/2012 - IR(B-II)]
RAVI KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD

In the matter of reference U/S 10 (1) (d) (2A) of I.D.
Act. 1947

Reference: No. 1/2013

Parties: Employer in relation to the management of Bank of India, Jamshedpur Zone

AND

Their workmen

Present: Sri R.K.Saran,
Presiding Officer

Aparances:

For the Employers : None

For the workman : Sri S.B.Sen, Advocate.

State : Jharkhand Industry: Banking

Dated 26/9/2014

AWARD

By Order No.L-12012/24/2012-IR (B-II) dated 23/11/2012 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of

sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

“Whether The action of the management of Bank of India in terminating the services of Shri Parameshwar Das w.e.f 15.4.2010 , is legal and justified? Whether the demand of Shri Das for his reinstatement in Bank service with full back wages and continuity of service with all benefits is just and proper? What relief the concerned workman is entitled to?”

2. The case is received from the Ministry of Labour on 06.02.2013. After notice both parties appeared. The workman files their written statement on 02.05.2013. But the Management never appeared inspite of regd. Notice being sent. Thereafter the case is heard as ex parte. workman files their document which is marked as W-1. & W-10.

3. The short point that is involved in this case whether the workman is to be regularized as Messenger/ daily wager in the Bank or not. The claim of the workman is that they were engaged by the Bank Manager and they were rendering service continuously but the Bank Management without any reason asked them not to come to Bank for work.

4. In spite of valid notice the Bank Management did not appear nor filed any written statement. The workman files documents to show that he worked as casual workman. There is no reason to disbelieve the document of the workman which has been given on bank pad.

5. Considering the facts and circumstances of the case, I hold that at this situation it is held that the Bank Management to accept them as casual employee/daily wager and they be engaged in the Bank as and when required by the Bank Management.

This is my award.

R.K. SARAN, Presiding Officer

नई दिल्ली, 4 जून, 2015

dk-vk- 1176.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार वीओम नेटवर्क प्राइवेट लिमिटेड के प्रबंधतत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, कोलकाता के पंचाट (संदर्भ सं. 79 / 2014) को प्रकाशित करती है जो केन्द्रीय सरकार को 02 / 06 / 2015 को प्राप्त हुआ था।

[सं. एल-42012/167/2014-आई आर (डी यू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 14th June, 2015

S.O. 1176.—in pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**I.D Reference No. 79 of 2014**) of the Central Government Industrial Tribunal Cum Labour Court, Kolkata now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the **VIOM Network Pvt. Ltd.** and their workmen, which was received by the Central Government on **02/06/2015**.

[No. L-42012/167/2014-IR(DU)]
P. K. VENUGOPAL, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Reference No. 79 of 2014

Parties: Employers in relation to the management of M/s. VIOM Network Pvt. Ltd.

AND

Their workmen.

Present: **Justice Dipak Saha Ray, Presiding Officer**

Appearance: On behalf of the Management: Mr. Soumyo Deep Banerjee, Ld. Counsel for M/s. Viom Networks Ltd.

Mr. Chanchal Kr. Chandra, Ld. Counsel with Mr. Soumyak Bhattacharyya, Ld. Counsel for M/s. Soltek Insolation Pvt. Ltd.

On behalf of the Workman: None.

State: West Bengal Industry: Telecommunication.

Dated: 25th May, 2015.

AWARD

By Order No.L-42012/167/2014-IR(DU) dated 03.12.2014 the Government of India, Ministry of Labour in exercise of its powers under Section 10(1)(d) and (2A) of the industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication:

“Whether the action of the management of M/s Soltek Insolation Pvt Ltd. is justified by terminating the service of Shri Sudip Kumar Bayen is legal and/or justified? If not, what relief the workmen are entitled to?”

2. When the case was taken up for hearing on 21.05.2015, none appeared on behalf of the workman in spite of service of notice though the management side

was represented by the Ld. Counsel concerned. It appears from the record that the workman at whose instance the present reference case has been initiated, has not turned up for the last three consecutive dates.

3. From such behavior of the concerned workman it may reasonably be presumed that he is not at all interested about this case. So, no fruitful purpose will be served in keeping the matter pending.

4. In view of the above facts and circumstances, present reference is disposed of by passing a “No Dispute Award”.

JUSTICE DIPAK SAHA RAY, Presiding Officer

नई दिल्ली, 4 जून, 2015

dk-vk. 1177.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार chvke uVodz i kboV fyfeVM के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में dñh; I j dkj vkS| kfxd vf/kdj.k , oa Je U; k; ky;] dkydkrk के पंचाट ¼ nHkZ I a 78 of 2014) को प्रकाशित करती है जो केन्द्रीय सरकार को 02/06/2015 को प्राप्त हुआ था।

[सं.एल-42012/165/2014-आईआर (डीयू)]
पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 4th June, 2015

S.O. 1177.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**I.D Reference No.78 of 2014**) of the Central Government Industrial Tribunal Cum Labour Court, Kolkata now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the **VIOM Network Pvt Ltd.** and their workmen, which was received by the Central Government on **02/06/2015**.

[No. L-42012/165/2014-IR(DU)]
P.K.VENUGOPAL, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Reference No. 78 of 2014

Parties: Employers in relation to the management of M/s. VIOM Network Pvt. Ltd.

AND

Their workmen.

Present: Justice Dipak Saha Ray, Presiding Officer

Appearance: On behalf of the Management: Mr. Soumyo Deep Banerjee, Ld. Counsel for M/s. Viom Networks Ltd.

Mr. Chanchal Kr. Chandra, Ld. Counsel with Mr. Soumyak Bhattacharyya, Ld. Counsel for M/s. Soltek Insolation Pvt. Ltd.

On behalf of the Workman: None.

State: West Bengal. Industry: Telecommunication.

Dated: 25th May, 2015

AWARD

By Order No.L-42012/165/2014-IR(DU) dated 03.12.2014 the Government of India, Ministry of Labour in exercise of its powers under Section 10(1)(d) and (2A) of the industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication:

“Whether the action of the management of M/s Soltek Insolation Pvt Ltd. Is justified by terminating the service of Shri Debasish Mandal is legal

and/or justified? If not, what relief the workmen are entitled to?”

2. When the case was taken up for hearing on 21.05.2015, none appeared on behalf of the workman inspite of service of notice though the management side was represented by the Ld. Counsel concerned. It appears from the record that the workman at whose instance the present reference case has been initiated, has not turned up for the last three consecutive dates.

3. From such behavior of the concerned workman it may reasonably be presumed that he is not at all interested about this case. So, no fruitful purpose will be served in keeping the matter pending.

4. In view of the above facts and circumstances, present reference is disposed of by passing a “No Dispute Award”.

Justice DIPAK SAHA RAY, Presiding Officer